NATURALIZATION AND NATIONALITY AMENDMENTS AND PAROLE FOR FUNERALS

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL LAW, IMMIGRATION, AND REFUGEES

OF THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

H.R. 783

NATURALIZATION AND NATIONALITY AMENDMENTS

AND

H.R. 97

PAROLE FOR FUNERALS

MARCH 10, 1993

Serial No. 1

GOV'T. DEPOSITORY
T 2 7 1993
HAMPDEN LAW LIBRARY
BOSTON PUBLIC LIBRARY
GOVERNMENT DOCUMENTS DEPARTMENT

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1993

KF
4806
.N19
1993

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-040930-6

NATURALIZATION AND NATIONALITY AMENDMENTS AND PAROLE FOR FUNERALS

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL LAW, IMMIGRATION, AND REFUGEES

OF THE

COMMITTEE ON THE JUDICIARY HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

ON

H.R. 783

NATURALIZATION AND NATIONALITY AMENDMENTS

AND

H.R. 97

PAROLE FOR FUNERALS

MARCH 10, 1993

Serial No. 1

GOV'T. DEPOSITORY
OCT 27 1993
HAMPDEN LAW LIBRARY

BOSTON PUBLIC LIBRARY
GOVERNMENT DOCUMENTS DEPARTMENT

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1993

KF
4806
.N19
1993

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-040930-6

COMMITTEE ON THE JUDICIARY

JACK BROOKS, Texas, *Chairman*

DON EDWARDS, California
JOHN CONYERS, JR., Michigan
ROMANO L. MAZZOLI, Kentucky
WILLIAM J. [illegible]
MIKE SYNA
PATRICIA S
DAN GLICK
BARNEY FI
CHARLES I
HOWARD I
RICK BOUC
JOHN BRY
GEORGE E
CRAIG A. W
JACK REED
JERROLD N
ROBERT C
DAVID MA
MELVIN L
XAVIER BE

HAMILTON FISH, JR., New York
CARLOS J. MOORHEAD, California
HENRY J. HYDE, Illinois
[illegible], JR.,

nia
na

SUB[illegible]UGEES

CHARLES
JOHN BRY
GEORGE E
JERROLD
XAVIER B

KF 4806 .N19 1993
United States. Congress.
House. Committee on the
Naturalization and
nationality amendments and

HAMPDEN LAW LIBRARY
50 STATE ST, BOX 559
SPRINGFIELD, MA. 01102-0559

DEMCO

CONTENTS

HEARING DATE

Page

March 10, 1993 1

TEXTS OF BILLS

H.R. 783 2
H.R. 97 10

WITNESSES

Adler, Michael, chair, Citizenship Committee, World Federation of Americans Abroad 44
Alegi, Peter C., president, Federated League of Americans Around the Globe (FLAAG) 61
Frank, Hon. Barney, a Representative in Congress from the State of Massachusetts 23
Gold, Rosalind, senior research associate and director of program operations, National Association of Latino Elected and Appointed Officials 71
Mineta, Hon. Norman Y., a Representative in Congress from the State of California 39
Mink, Hon. Patsy, a Representative in Congress from the State of Hawaii 13
Ward, James L., Acting Assistant Secretary of State, Bureau of Consular Affairs, U.S. Department of State 25

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

Abercrombie, Hon. Neil, a Representative in Congress from the State of Hawaii: Prepared statement 19
Adler, Michael, chair, Citizenship Committee, World Federation of Americans Abroad: Prepared statement 47
Alegi, Peter C., president, Federated League of Americans Around the Globe (FLAAG): Prepared statement 63
Faleomavaega, Hon. Eni F.H., a Delegate in Congress from American Somao: Prepared statement 20
Mineta, Hon. Norman Y., a Representative in Congress from the State of California: Prepared statement 42
Mink, Hon. Patsy, a Representative in Congress from the State of Hawaii: Prepared statement 17
Pachon, Harry, Ph.D., national director, National Association of Latino: Elected and Appointed Officials: Prepared statement 74
Ward, James L., Acting Assistant Secretary of State, Bureau of Consular Affairs, U.S. Department of State: Prepared statement 28

APPENDIX

News release from American Citizens Abroad 93

NATURALIZATION AND NATIONALITY AMENDMENTS AND PAROLE FOR FUNERALS

WEDNESDAY, MARCH 10, 1993

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL LAW,
IMMIGRATION, AND REFUGEES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 2237, Rayburn House Office Building, Hon. Romano Mazzoli (chairman of the subcommittee) presiding.

Present: Representatives John Bryant, George E. Sangmeister, Xavier Becerra, Bill McCollum, and Charles T. Canady.

Also present: Eugene Pugliese, counsel; Judy Knott, clerk; and Carmel Fisk, minority counsel.

Mr. MAZZOLI. The subcommittee will come to order. We will have other members joining us and I might mention that our Republican colleagues are in the middle of a meeting so they will be somewhat later arriving. I would like to welcome to the subcommittee Congressman Sangmeister who is new to our subcommittee, not the full committee; he has been a valued member of the full committee for a number of years.

Congressman Sangmeister was elected to Congress in 1988 and has served on the Judiciary Committee since that time. George's home is in the Chicago area. He served in the Illinois House of Representatives and the Illinois State Senate and he and his wife Doris have two children. So we welcome you, George, to the subcommittee.

We have other new members and if they come today, and I hope they will, we will likewise introduce them.

Our hearing today will take several facets, and the first of them will be the bill introduced by our colleague from Hawaii, Patsy Mink. And Patsy, if you would care to come forward we would certainly welcome you.

Mrs. MINK. Thank you.

Mr. MAZZOLI. Congresswoman Mink appeared before the subcommittee last Congress to testify on behalf of her bill, which she will describe, but essentially it eases the entry of foreign nationals to the United States to attend funerals of close relatives. Patsy is back with us today to discuss the bill which she introduced again in this 103d Congress. The bill the gentlewoman will describe in a moment passed our subcommittee and the full committee last year and because of the crush of business at the end of the Con-

gress was unable to get further, but we have expectations that this year we will have greater opportunities.

[The bills, H.R. 783 and H.R. 97, follow:]

103D CONGRESS
1ST SESSION

H. R. 783

To amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1993

Mr. MAZZOLI introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nationality and Naturalization Amendments of 1993".

SEC. 2. EQUAL TREATMENT OF WOMEN IN CONFERRING CITIZENSHIP FOR CHILDREN BORN ABROAD.

(a) IN GENERAL.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

(1) by striking the period at the end of paragraph (g) and inserting "; and", and

(2) by adding at the end the following new paragraph:

"(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States.".

(b) WAIVER OF RETENTION REQUIREMENTS.—Any provision of law (including section 301(b) of the Immigration and Nationality Act (as in effect before October 10, 1978), and the provisos of section 201(g) of the Nationality Act of 1940) that provided for a person's loss of citizenship or nationality if the person failed to come to, or reside or be physically present in, the United States shall not apply in the case of a person claiming United States citizenship based on such person's descent from an individual described in section 301(h) of the Immigration and Nationality Act (as added by subsection (a)).

(c) RETROACTIVE APPLICATION.—The immigration and nationality laws of the United States shall be applied (to persons born before, on, or after the date of the enactment of this Act) as though such amendment and such

subsection had been in effect as of the date of their birth. However, the retroactive application of the amendment and provision shall not affect the validity of citizenship of anyone who has obtained citizenship under section 1993 of the Revised Statutes (as in effect before the enactment of the Act of May 24, 1934, 48 Stat. 797).

SEC. 3. EXPANDING WAIVER OF THE GOVERNMENT KNOWLEDGE, UNITED STATES HISTORY, AND ENGLISH LANGUAGE REQUIREMENTS FOR NATURALIZATION.

(a) IN GENERAL.—Section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended—

(1) by inserting "(a)" after "312.",

(2) by striking "this requirement" and all that follows through "That" the second place it appears,

(3) by striking "this section" and inserting "this paragraph", and

(4) by adding at the end the following new subsection:

"(b)(1) The requirements of subsection (a) shall not apply to any person who is unable because of physical or developmental disability or mental impairment to comply therewith.

"(2) The requirement of subsection (a)(1) shall not apply to any person who, on the date of the filing of the

person's application for naturalization as provided in section 334, either—

"(A) is over fifty years of age and has been living in the United States for periods totalling at least twenty years subsequent to a lawful admission for permanent residence, or

"(B) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years subsequent to a lawful admission for permanent residence.

"(3) The requirement of subsection (a)(2) shall not apply to any person who, on the date of the filing of the person's application for naturalization as provided in section 334, is over sixty-five years of age and has been living in the United States for periods totaling at least twenty years subsequent to a lawful admission for permanent residence.".

(b) CONFORMING AMENDMENTS.—Section 245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is amended by striking "312" each place it appears and inserting "312(a)".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications for natu-

ralization filed on or after such date and to such applications pending on such date.

SEC. 4. NATURALIZATION OF CHILDREN ON APPLICATION OF CITIZEN PARENT.

(a) IN GENERAL.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended to read as follows:

"CHILD BORN OUTSIDE THE UNITED STATES; APPLICATION FOR CERTIFICATE OF CITIZENSHIP REQUIREMENTS

"SEC. 322. (a) A parent who is a citizen of the United States may apply to the Attorney General for a certificate of citizenship on behalf of a child born outside the United States. The Attorney General shall issue such a certificate of citizenship upon proof to the satisfaction of the Attorney General that the following conditions have been fulfilled:

"(1) At least one parent is a citizen of the United States, whether by birth or naturalization.

"(2) The child is physically present in the United States pursuant to a lawful admission.

"(3) The child is under the age of 18 years and in the legal custody of the citizen parent.

"(4) If the parent is an adoptive parent of the child, the child was adopted by the parent before the child reached the age of 16 years.

"(5) If the citizen parent has not been physically present in the United States or its outlying possessions for a period or periods totalling not less than five years, at least two of which were after attaining the age of fourteen years—

"(A) the child is residing permanently in the United States with the citizen parent, pursuant to a lawful admission for permanent residence, or

"(B) a parent of the citizen parent has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

"(b) Upon approval of the application and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General with a certificate of citizenship.

"(c) Subsection (a) of this section shall apply to the adopted child of a United States citizen adoptive parent

if the conditions specified in such subsection have been fulfilled.".

(b) CONFORMING AMENDMENT.—Subsection (c) of section 341 of such Act (8 U.S.C. 1452) is repealed.

(c) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 322 is amended to read as follows:

"Sec. 322. Child born outside the United States; application for certificate of citizenship requirements.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than one hundred twenty days after the date of the enactment of this Act.

SEC. 5. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

(a) IN GENERAL.—Section 324 of the Immigration and Nationality Act (8 U.S.C. 1435) is amended by adding at the end the following new subsection:

"(d)(1) A person who was a citizen of the United States at birth and lost such citizenship for failure to meet the physical presence retention requirements under section 301(b) (as in effect before October 10, 1978), shall, from and after taking the oath of allegiance required by section 337 be a citizen of the United States and have the status of a citizen of the United States by birth, without filing an application for naturalization, and notwithstanding any

of the other provisions of this title except the provisions of section 313. Nothing in this subsection or any other provision of law shall be construed as conferring United States citizenship retroactively upon such person during any period in which such person was not a citizen.

"(2) The provisions of paragraphs (2) and (3) of subsection (c) shall apply to a person regaining citizenship under paragraph (1) in the same manner as they apply under subsection (c)(1).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than one hundred twenty days after the date of the enactment of this Act.

103D CONGRESS
1ST SESSION

H. R. 97

To amend the Immigration and Nationality Act to provide for prompt parole into the United States of aliens in order to attend the funeral of an immediate blood relative in the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mrs. MINK (for herself and Mr. ABERCROMBIE) introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To amend the Immigration and Nationality Act to provide for prompt parole into the United States of aliens in order to attend the funeral of an immediate blood relative in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROMPT PAROLE OF ALIENS IN ORDER TO ATTEND THE FUNERAL OF AN IMMEDIATE BLOOD RELATIVE IN THE UNITED STATES.

(a) IN GENERAL.—Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is

amended by adding at the end the following new subparagraph:

"(C)(i) The Attorney General shall provide, on an expedited basis, for the parole of an alien under this paragraph if—

"(I) an immediate blood relative of the alien has died and the funeral for the relative is to be in the United States, and

"(II) the alien provides the Attorney General with a certified copy of the death certificate of the relative.

"(ii) The period of parole under this subparagraph shall be for the period required to attend the funeral and shall not exceed 30 days (except as may be provided in exceptional circumstances specified by the Attorney General).

"(iii) In clause (i), the term 'immediate blood relative' means, with respect to an alien, the spouse, mother, father, son, daughter, brother, or sister of the alien.".

(b) REPORT ON OPERATION OF AMENDMENT.—The Attorney General shall report to the Congress, not later than 2 years after the date of the enactment of this Act, on the operation of section 212(d)(5)(C) of the Immigration and Nationality Act (as added by the amendment made by subsection (a)) and on any violations or abuses

of the immigration laws resulting from the parole of aliens into the United States under such section.

Mr. MAZZOLI. So, Patsy, welcome and your statement will be made a part of our record and we will be happy to have your testimony.

STATEMENT OF HON. PATSY MINK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

Mrs. MINK. Thank you very much, Mr. Chairman and members of the subcommittee. I certainly appreciate the work of the subcommittee in the last session in its interest in supporting our bill and the understanding that this subcommittee and the full committee gave to our very urgent problem and in calling this hearing early this session. I look forward to expeditious consideration on the part of the House on this bill.

As I said last year, our bill is prompted because of continuing problems. One would have expected, perhaps that the introduction of the bill and the favorable action of the subcommittee and the full committee might somehow ease our problem with reference to the Embassy in Manila, but it has not. We continue to have problems with respect to the way in which this program of parole is now monitored. I understand the Embassy's reaction against my bill and their opposition, but I think what they fail to understand is that all we are asking for large numbers of families in Hawaii is equal fair treatment. We are asking for no other except equity and we believe very strongly and others in the Congress support us with similar indications in their casework that somehow relatives living in the Philippines are not given the same equal access to the parole system which would allow them to enter the United States for short periods of time to attend funerals, or in some cases to try to get there in time before a very close relative dies and is in terminal illness.

In many cases we supply doctor's affidavits to the point that these individuals are either in terminal condition or very close to death. My district, as you know, has more than 100,000 persons of Filipino extraction and so this becomes a very critical problem. Everywhere in America, and I'm sure in the world, when someone in the family departs it is a sad and tragic event, but very particularly in many of the Asian societies death of a close family member is a special time when the families need to be together. And so they seek our help, they come to our offices, both Mr. Abercrombie and I have dozens and dozens of pending cases right now in which we are attempting to negotiate the entry. And we feel that this discriminatory application of the humanitarian parole provisions of section 212(d)(5) of the Immigration Act is in need of amendment. And so we have sponsored H.R. 97.

I am hoping that your subcommittee will report out this bill favorably and give equal access to the citizens in my community. Thank you very much.

Mr. MAZZOLI. Thank you very much, Patsy, and let me just start a few questions. We have been joined by Congressman Bryant of Texas.

Your bill would require that there be a certified copy of the death certificate?

Mrs. MINK. That's correct.

Mr. MAZZOLI. Would you envision that the consular official who would be discussing this with the applicant would be able to ask the applicant to provide proof of the degree of relationship to the decedent and, if so, what do you think they would be able to proffer? What in your casework experience do people have available to them to show their relationship with the dead person?

Mrs. MINK. They could probably bring in some birth affidavit showing the linkage. It would be one real extra problem, but I would assume that even if the deceased person was born in the Philippines, for instance, and gained entry into the United States, there would be passport information which might afford some sort of certification.

Mr. MAZZOLI. Just out of curiosity, would it be likely that there would be obituaries published in Manila area newspapers of an individual who dies——

Mrs. MINK. I doubt it.

Mr. MAZZOLI [continuing]. In Hawaii or California or something, would they do that?

Mrs. MINK. No, I don't think there would be any obituaries. The interest comes from my constituency. It's not walk-in traffic that goes into the Manila Embassy making assertions. It's the family in Hawaii that is the one that's saying can I have my daughter or can I have my sister here or my parents?

Mr. MAZZOLI. So it's your experience, Patsy, that the family in say, for example, Honolulu or San Jose or someplace else in the States would be actively involved in this, too?

Mrs. MINK. Oh, exactly.

Mr. MAZZOLI. And that they would be in touch with the applicant and they would be sending and faxing things back and forth——

Mrs. MINK. Exactly.

Mr. MAZZOLI [continuing]. Which could, of course, be the obituary appearing in the U.S. paper which would list maybe—because if I understand your bill it relates only to mothers and fathers, sons and daughters, brothers and sisters, or spouses which means that very, very closeness to family.

Mrs. MINK. Right.

Mr. MAZZOLI. And they would necessarily be listed in any obituary that we would ever see.

Mrs. MINK. Absolutely.

Mr. MAZZOLI. And there would be, again, no confusion on the part of the consular official as to the names. I mean, those names are understandable and they would be separable so that you know the family lineage.

Mrs. MINK. Exactly. And I think that if you wanted to write in the committee report or how ever that the initiation would be from a U.S. place. I would have no objection to that because that is where the interest that we are trying to protect emanates. It's not people walking in in Manila and saying, I want to go to see my father. It's interest from our constituency, people who are legal residents of Hawaii or California or wherever and making this inquiry, wanting very much to have a very close relative enabled to come to the funeral. Our biggest problem, I must say, is the funeral. There is a short time period in which we have to negotiate all of these papers. And the extraordinary difficulty is that they are re-

questing in some instances proof of wealth as they would in other kinds of immigration applications; do you have property which will prove that you will come back because you own a house or your own a business. And we're saying this is extremely unfair because what it does is to punish the poor in the Philippines and many of our people came to Hawaii to escape poverty. They come from the poorest regions of the Philippines and we think it's an extraordinary burden to say to them, you can't come in to attend this funeral because you have no proof of property ownership in the Philippines.

Mr. MAZZOLI. Well, I appreciate it. We'll be hearing later this morning from the State Department to discuss some of these questions you bring up. I appreciate it very much and yield to the gentleman from Texas, if he has questions.

Mr. BRYANT. Mr. Chairman, I support the bill that Mrs. Mink is talking about with whatever modifications she might suggest to us. I think the intent of it is good and I look forward to working with her.

Mrs. MINK. I thank you very much.

Mr. MAZZOLI. The gentleman from Illinois.

Mr. SANGMEISTER. Sorry I wasn't here and I'm not quite sure that I understand the problem. One thing I do understand is the shortness of time when someone has died to get a visa and attend the funeral. Please explain to me, I am not quite sure I recognize the problem.

Mrs. MINK. There is a provision in the Immigration and Naturalization Act which allows a family to have temporary entry under a parole system to attend for compassionate humanitarian and compassionate reasons to enter the United States under a special permit.

Mr. SANGMEISTER. Why isn't that working?

Mrs. MINK. It's not working with respect to the people——

Mr. SANGMEISTER. Why? Because there's not enough time?

Mrs. MINK. No, because they want to—I guess, extract extra nonlegal requirements on the people of the Philippines who make such requests such as I just indicated, proof of ownership, property, and things of that nature. And unless they can have this economic link according to the Embassy which would prompt them to return, they are considered applicants who might very well abuse this parole and not return to the Philippines. And our argument is that this is unfair to the people of the Philippines to target them as a nation of persons who would not abide by the restrictions that are contained in my bill which is that they must return after 30 days.

Mr. SANGMEISTER. Well, that's a provision that you have which——

Mrs. MINK. That's correct.

Mr. SANGMEISTER [continuing]. It cuts all the other requirements that are in the present regulations.

Mrs. MINK. That's right. It's the proof of a death of an immediate relative as defined in the bill and a parole permit which would allow them to enter the United States to attend the funeral and requiring them to return within 30 days of the date of the permit.

Mr. SANGMEISTER. Thank you.

Mr. MAZZOLI. Essentially the current law is somewhat discretionary.

Mrs. MINK. Yes.

Mr. MAZZOLI. And humanitarian parole is a judgment made by the——

Mrs. MINK. Thoroughly discretionary.

Mr. MAZZOLI. The gentlewoman's bill would add a new section to the immigration law in which the Attorney General acting through the Immigration Service would be required to issue that parole if the people have the required proof and the certified copy of the death certificate?

Mrs. MINK. Right.

Mr. MAZZOLI. Thank you very much. We appreciate your help Congresswoman Mink.

Mrs. MINK. Thank you. My colleagues, Mr. Abercrombie and Eni Faleomavaega had submitted testimony and apologize for their inability to be here this morning.

Mr. MAZZOLI. Give them our best and their testimony will be made a part of the record in association with yours——

Mrs. MINK. Thank you very much.

Mr. MAZZOLI [continuing]. In behalf of your bill. And we thank you very much.

[The prepared statement of Mrs. Mink follows:]

Prepared Statement of Hon. Patsy Mink, a Representative in Congress From the State of Hawaii

Chairman Mazzoli and members of the subcommittee, I appreciate this opportunity to come before you today and testify in support of H.R. 97. This bill seeks to provide prompt entry of an alien into the United States to attend the funeral of an immediate family member.

I introduced H.R. 97 in response to the difficulties many Filipinos in Hawaii experienced with the State Department when attempting to have relatives attend funerals of family members. During times of extreme sorrow, family members should not have to battle red tape, denials and rejections of their application to enter the U.S. and attend a loved one's funeral.

In my District, many Filipinos and their relatives in the U.S. have been subject to the discriminatory application of the humanitarian parole provisions. Similar incidents have been described by East Asian and South American people and their relatives in the U.S.

The discriminatory application of the humanitarian parole provisions of Section 212(d)(5) of the Immigration and Nationality Act are primarily due to the fact that no formal regulations regarding the procedure for this specific type of parole exist. With the passage of this bill, I hope the discriminatory application of current immigration policy which denies people from certain nations entry into the United States will be corrected.

Through my work assisting constituents, I have found that the application of humanitarian parole provisions are unclear, inconsistent and discretionary. The final decision whether or not to grant parole is left to the embassy or consulate in a particular country, rather than reached in accordance with law.

In many instances, individuals are denied entry into the U.S. because they have pending applications to immigrate to the U.S. or because they are poor. We should not allow conditions to continue that allows the rich but prevents the poor from entering the U.S. to attend an immediate family member's funeral pursuant to the same humanitarian parole provisions.

I understand the need to be cautious in these situations. However, poor people from other countries, who do not own property or have a job, should not be precluded from entering the U.S. for a period of thirty days for the sole purpose of paying their last respects and comforting family members.

This bill provides that anyone who wishes to enter the U.S. to attend a funeral must prove the death of an immediate blood relative by producing a death certificate. The relative must be the alien's mother, father, son, daughter, brother, sister or spouse. Those allowed into the U.S. in accordance with this provision would be granted a stay of thirty days.

Mr. Chairman, I urge you to defend our nation's proud tradition of providing humanitarian solace to those who are suffering. And, I urge the members of this subcommittee to uphold our tradition of fairness and human compassion and swiftly approve H.R. 95.

[The prepared statement of Mr. Abercrombie follows:]

Prepared Statement of Hon. Neil Abercrombie, a Representative in Congress From the State of Hawaii

H.R. 97 - To amend the Immigration and Nationality Act to provide for prompt parole into the United States of Aliens in order to attend the funeral of an immediate blood relative in the United States.

Thank you for this opportunity to testify in favor of H.R. 3345. I have joined Congresswoman Mink in cosponsoring this legislation which I believe makes immigration law fairer to people from all countries who wish to enter the United States in order to attend funerals of immediate family members.

Although current policy allows people from other countries to enter the U.S. to attend funerals of immediate family members, aliens from certain nations, mainly the Philippines, are delayed or denied entry into this country.

In addition to unreported cases, I personally know of thirteen different incidents (since becoming a Member of Congress in 1990) where immediate relatives were denied entry into the U.S. to attend the funerals of their loved ones.

Mr. Chairman and Members of this Committee, it is difficult enough to learn of a loved one's death - and to be outright denied to pay one's last respects is downright cruel! How can we possibly continue to deny family members from re-uniting to mourn their loss?

We must not allow this injustice to continue. H.R. 97 will address this unfair policy and grant entry into the U.S. to an alien who can prove the death of an immediate blood relative with a death certificate. The relative must be the alien's mother, father, son, daughter, brother, sister or spouse and can stay in the U.S. for up to 30 days except under exceptional circumstances.

The heart of H.R. 97 reflects what America is all about - a nation of compassion. A nation of fairness. This bill allows family members to pay their respects and be briefly reunited to mourn their loss. Let us not deny them of this opportunity which they rightfully deserve.

[The prepared statement of Mr. Faleomavaega follows:]

Prepared Statement of Hon. Eni F.H. Faleomavaega, a Delegate in Congress From the Territory of American Somoa

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM HONORED TO JOIN OUR DISTINGUISHED COLLEAGUES FROM HAWAII, THE HONORABLE PATSY T. MINK AND THE HONORABLE NEIL ABERCROMBIE, IN SUPPORT OF H.R. 97, LEGISLATION THAT WOULD AMEND THE IMMIGRATION AND NATIONALITY ACT (INA) TO PROVIDE EQUITABLE, TIMELY TREATMENT OF ALIENS AWAITING PERMISSION TO ENTER THE U.S. FOR FUNERALS OF IMMEDIATE RELATIVES.

MR. CHAIRMAN, I HAVE PERSONALLY SUFFERED THE TRAUMA AND GRIEF BROUGHT ON BY THE DEATH OF A FAMILY MEMBER. NO DOUBT, MANY OF THE MEMBERS OF THIS COMMITTEE HAVE LIKEWISE EXPERIENCED THE PENETRATING AGONY THAT ACCOMPANIES THE LOSS OF A LOVED ONE. AT THIS TIME OF GREAT SUFFERING, A NECESSARY SALVE IS THE OPPORTUNITY TO GATHER WITH FELLOW FAMILY MEMBERS TO PAY RESPECTS AT THE FUNERAL. SOME WOULD SAY THAT IT IS A GOD-GIVEN RIGHT TO BE PRESENT AT THE FUNERAL -- WHERE PEACE IS MADE, FINAL HOMAGE PAID AND FAREWELLS ISSUED TO THE DECEASED.

FOR THE HEALING PROCESS TO BEGIN FOR FAMILY MEMBERS, IT IS VITAL THAT THEY PARTICIPATE IN THE FUNERAL. THE OPPORTUNITY TO DO SO, HOWEVER, IS BRIEF AND FLEETING, AND HAPPENS ONLY ONCE IN A LIFETIME.

TOO OFTEN, THOUGH, PEOPLE FROM CERTAIN NATIONS ARE DENIED THE RIGHT TO BE WITH THEIR FAMILIES IN THE U.S. WHEN TRAGEDY STRIKES. I WHOLEHEARTEDLY AGREE WITH CONGRESSWOMAN MINK AND CONGRESSMAN ABERCROMBIE THAT THE PRESENT IMMIGRATION POLICY UNDER INA SECTION 212 -- THE HUMANITARIAN PAROLE PROVISIONS -- HAS RESULTED IN BLATANT DISCRIMINATION AGAINST PEOPLE FROM POORER NATIONS AND THEIR RELATIVES WHO LIVE IN THE U.S.

ALTHOUGH PEOPLE FROM THE PHILIPPINES ARE CERTAINLY AFFECTED, AS EVIDENCED BY THE SITUATION IN HAWAII, IT HAS BEEN MY EXPERIENCE THAT NATIONALS FROM OTHER COUNTRIES ALSO SUFFER FROM THE DISCRIMINATORY IMPACT OF PRESENT INA POLICY. BEING A MEMBER FROM THE PACIFIC, SEVERAL CASES HAVE BEEN BROUGHT TO MY ATTENTION WHERE GRIEVING FAMILY MEMBERS FROM WESTERN SAMOA, THE KINGDOM OF TONGA AND FIJI, FOR EXAMPLE, WERE DENIED THE RIGHT TO JOIN THEIR FAMILIES IN THE U.S. FOR FUNERALS. I FIND THE PATTERN OF DISCRIMINATION AGAINST NATIONALS FROM LESS-WELL -TO-DO COUNTRIES TO BE DISTURBING.

MUCH OF THE PROBLEM LIES WITH THE ABSENCE OF CLEAR PROCEDURES AND REQUIREMENTS FOR GRANTING OF HUMANITARIAN PAROLE UNDER INA SECTION 212 (d)(5). THE LACK OF DIRECTION HAS RESULTED IN PROLONGED DELAYS AND INCONSISTENT, OFTEN ARBITRARY DECISIONS IN CASES INVOLVING PAROLE REQUESTS TO ATTEND FUNERALS.

I COMMEND CONGRESSWOMAN MINK AND CONGRESSMAN ABERCROMBIE FOR INTRODUCING LEGISLATION TO CORRECT THIS SHORTCOMING IN THE INA AND THE UNJUST AD HOC POLICY IT HAS SPAWNED. H.R. 97 SETS OUT CLEAR AND OBJECTIVE CRITERIA FOR THOSE REQUESTING HUMANITARIAN PAROLE TO ATTEND FUNERALS. SIMPLY PUT, WHERE AN APPLICANT SUBMITS A CERTIFIED DEATH CERTIFICATE FOR AN IMMEDIATE RELATIVE -- SUCH AS A PARENT, CHILD, SIBLING OR SPOUSE -- THE PERSON SHALL BE PERMITTED TO ENTER THE U.S. FOR 30 DAYS AND NO MORE. H.R. 97 DIRECTS THE ATTORNEY GENERAL TO EXPEDITE CONSIDERATION OF SUCH PAROLE REQUESTS.

MR. CHAIRMAN, I STRONGLY URGE THE COMMITTEE TO ADOPT H.R. 97. IT IS THE MEANS WITH WHICH TO RECTIFY ONE OF THE MOST SINGULARLY UNJUST PROVISIONS IN THE INA. WHEN TRAGEDY STRIKES A FAMILY IN THE UNITED STATES, LET US NOT ADD TO THE SURVIVORS' AGONY AND MOURNING BY HOLDING THEIR OVERSEAS RELATIVES HOSTAGE TO AN ILL-CONCEIVED PROVISION OF OUR IMMMIGRATION LAW.

Mr. MAZZOLI. The gentleman from Massachusetts.

Mr. FRANK. Thank you, Mr. Chairman.

Mr. MAZZOLI. Gentlemen, I might just mention for our colleagues here. Again, Congressman Sangmeister was not on our committee last year. This bill was offered by the gentleman from Massachusetts and was moved by the subcommittee and the full committee last year. It fell victim, as did Mrs. Mink's bill, to the crush of business at the end of the Congress, so we are trying to refresh the record and move the bills again.

The gentleman from Massachusetts.

STATEMENT OF HON. BARNEY FRANK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. FRANK. Thank you, Mr. Chairman. I will be very brief. My colleague spoke with me, extended the apology on behalf of those members who could not be present. I should apologize for being present, you all being very busy, and I do and I won't be long because you have already moved on this bill.

What it says is that if you're old and you've been here a long time and you have really behaved yourself, you can become a citizen without being able to pass what is a very tough test. I had not, myself, before becoming a Member of Congress and dealing with immigration issues realized that the citizenship test is a pretty stiff test. It is a test that many Americans would have a hard time passing. I think it's appropriate to give people that drive to learn about the country. What we're talking about are people who may have come here in reduced economic circumstances and were not especially literate in any language, either in English or in the language of the country where they were born and they want to become citizens. And what this says is that—like in the version that I originally filed said the age of 50. I discussed it with Mr. McCollum, he suggested, I thought, 60. He now says it was 65 and that may well be the case and I wouldn't quarrel over the 5 years, the version you've got is 65. What it says is, if you have lived here for at least, I think, 20 years and you're 65 years old you can and you meet the requirements of good behavior you can become a citizen even if you can't pass that very difficult test.

By the way, this has nothing to do with English proficiency because my understanding is you could take the test in any other language, so this does not weaken any requirement that may or may not exist or any incentive about speaking English. What it says is that older people who may have trouble being tested who may not be accustomed to doing that, that again, if they lived here a long time and they have a perfect record of abiding by the law and they meet every other requirement, they wouldn't have to take the test. It's a waiver of that particular thing. It will affect a small number of people, but it would affect them very profoundly.

I have talked to people who very much want to see this. I know our colleague, Mr. Bilirakis of Florida has mentioned that his own mother was unable to pass and he was very interested in the bill for that reason. So I think this is a fairly small gesture we could make to some very decent older people and I would appreciate the committee's previous consideration and I hope it happens again.

Mr. MAZZOLI. Thank you very much and I might have mentioned for the record, any prepared statements you have will be made a part of the record.

Does this—I think I may have asked the same question last year, Barney, does this bill on your part emanate from a case that you had or a specific situation?

Mr. FRANK. A couple of cases. In Fall River, MA, older people, immigrants from Portugal and again, they're people whose children and grandchildren are fluent in English and are very active and they came here and just didn't get around to studying enough. These, again, are generally people—as I said—strained economic circumstances.

Mr. MAZZOLI. But would you say that those people that you have had personal contact with and most of the people who fit this fairly small class would, though, have lived out on a day-to-day basis the citizenship of the country and would have almost instinctively understood the governmental part of that——

Mr. FRANK. Oh, absolutely. It is the history part that they don't understand. These are people who would vote intelligently if they voted now who tend to follow things, but as I said, the test requires a fairly significant body of knowledge and for some older people who never went to school or whose formal schooling was very little. Frankly, I think probably many of them could pass the test if they sort of forced themselves, but you run into psychological fears. You get people who are, you know, 68 and 70 years old and 75 years old and they're afraid to do it and they're nervous about it and I do not see any reason why we should insist on that. But certainly as to their behavior and their commitment these are people for over whom——

Mr. MAZZOLI. So we can tell our friends on the floor who may not be able to hear this testimony or even read it, that, in fact, these individuals have lived out to the highest extent every aspect of the responsibilities of someone living in this country who, except for the fact that they aren't citizens would have really——

Mr. FRANK. Absolutely. In fact, as we know citizenship really does not affect if you are here legally as these people are, but citizenship does not really affect a lot of other things. The very fact that these are people so eager to become citizens is an indication of their commitment to the country because they could enjoy whatever privileges, rights, et cetera, except for political participation that they have so that that is almost definitional. And you are absolutely right, these are people overwhelmingly who are very decent people and no other requirement is being waived by this. The requirements of good character, et cetera, those are all there. So this isn't going to be any loophole to let in people that we wouldn't want to be citizens.

Mr. MAZZOLI. Thinking back to the days when I took my bar exam, about 100 years ago, the thought of trying to take that one again would be as daunting as the prospect of trying——

Mr. FRANK. I think that is right. I urge people who have not seen it, take a look at the citizenship test. It is a difficult thing. It does require a lot of history—it is not unusual, but I do not think we should require it of all the people.

Mr. MAZZOLI. Mr. Sangmeister.

Mr. SANGMEISTER. I am sure it is buried in the staff work here, but this proposal was introduced during the last Congress?

Mr. FRANK. Yes. I introduced it and——

Mr. SANGMEISTER. How far——

Mr. FRANK. Beg your pardon?

Mr. SANGMEISTER. How far did it get?

Mr. FRANK. I guess through the committee and it just—it was not controversial. We had worked on an agreement, it just did not get to the floor because of time.

Mr. MAZZOLI. During the subcommittee and the full committee.

Mr. FRANK. So we——

Mr. MAZZOLI. Oh, excuse me, through the subcommittee.

Mr. FRANK. Through the subcommittee.

Mr. MAZZOLI. It was not called at the full committee.

Mr. SANGMEISTER. The bill does talk about age 60 and you were talking about age 65, which do you prefer?

Mr. FRANK. Mine was 60, the chairman's version has 65. I prefer 60, but if the committee voted for 65 that would not cause me to filibuster.

Mr. MAZZOLI. We thank you very much, the gentleman from Massachusetts, and for any further material you may want to file with us, the record will stay open on that.

Mr. FRANK. Thank you.

Mr. MAZZOLI. We'll now call forward Mr. James L. Ward. Mr. Ward from the Department of State. Mr. Ward, thank you for coming today and your statement will, of course, be made a part of the record and we would appreciate your observations about the bill that was offered or has been offered by the gentlewoman from Hawaii and any of the other bills that are before the subcommittee today. Mr. Ward.

STATEMENT OF JAMES L. WARD, ACTING ASSISTANT SECRETARY OF STATE, BUREAU OF CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. WARD. Thank you, Mr. Chairman and members of the subcommittee. I am pleased to appear today to discuss H.R. 97, parole for funerals and H.R. 783, which provides amendments on naturalization and nationality issues. I'd like to present my written testimony and just a very abbreviated statement at this time.

Let me begin my comments first with H.R. 97, the bill which would amend section 212(d)(5) of the Immigration and Nationality Act and add a new subsection (C) under which the Attorney General would be required to grant parole to permit an alien to attend the funeral of the alien's spouse, parent, son, daughter or sibling.

Let me start out by saying that parole is actually a Department of Justice responsibility through the Immigration and Naturalization Service, it is not an authority accorded to the Department of State. However, as we are now involved in terms of the nonimmigrant visa process, we would obviously be heavily involved in provisions such as those in H.R. 97.

The Department opposes H.R. 97 for several reasons. First the Office of Management and Budget has advised us that H.R. 97 would result in an increase in direct spending, thus it is subject to the "pay as you go" requirements of the Omnibus Budget Reconcili-

ation Act of 1990. Aliens apply for nonimmigrant visitor visas from time to time in order to attend the funeral of a close relative who has died in the United States. Consular offices overseas are quite well aware of the humanitarian considerations involved in such situations and are ready to process their applications promptly, giving sympathetic consideration to them.

While there are certainly cases in which a consular officer feels that other factors make it impossible to issue a visitor visa to such an applicant, I'm confident that the applicants are given every humanitarian consideration possible. Moreover, the Department is ready and willing to look into such cases on an expedited basis, if requested to do so. Also, while the Immigration Service is not represented this morning, we do know from working with them that they do have a policy of granting parole for such purposes in appropriate cases on a humanitarian basis. For these reasons we believe that H.R. 97 is actually unnecessary.

Further, I would like to point out an important foreign policy implication regarding this bill as presently written. The proposed language permits no discretion on the part of the consular officer abroad or the Immigration Service here should an applicant be ineligible, be a known narcotics trafficker, an international terrorist or has committed a serious crime which makes him or her clearly ineligible for a visa under existing laws. While we recognize that such cases would be rare, we don't think this implication should be overlooked.

I'm quite happy now to jump to H.R. 783, which proposes amendments to the Immigration and Nationality Act, particularly title III on nationality and naturalization. My written testimony addresses those sections which are of concern to the Department of State. On the whole we particularly favor the proposed sections 2, 4, and 5 which we believe offer equitable treatment of people seeking U.S. citizenship. The Department fully supports the concept embodied in section 2 of H.R. 783. This proposal would enable children born outside the United States before May 24, 1934, of U.S. citizen women who were married to aliens, to become citizens. We do believe, however, that subsection (c) is unclear and accordingly we suggest that the second sentence of the subsection be revised to state that people who acquired citizenship under section 1993 would not be affected by the amendment.

We are also fully supportive of the concept of the proposed——

Mr. MAZZOLI. Mr. Ward.

Mr. WARD. Yes?

Mr. MAZZOLI. Could I interrupt you just for one-half a second?

Mr. WARD. Certainly.

Mr. MAZZOLI. Counsel mentions that we do have one little piece of business which—and we are joined by Charlie Canady from Florida, our new member from Florida.

[Off the record for executive session.]

Mr. MAZZOLI. Mr. Ward, you may continue. We appreciate your interruption for this little piece of housekeeping here. But you were on, I think, item—the one about the 1934 people; is that correct?

Mr. WARD. As I said, I think we support the section 2 of H.R. 783 which deals with the old 1993 statute with the recommendation that some clarifying language be introduced in the subsection

(c). We are also fully supportive of the concept of the proposed change to section 322 in section 4 of the bill which would facilitate the nationalization of children born outside the United States.

Five conditions would have to be fulfilled to enable a child to obtain a certificate of citizenship. We do suggest that the proposed fourth condition in section 322(a)(4) be modified to include the words "U.S. Citizen" before the words "Parent" in line 24 and 25, and at the end of line 26 we suggest the addition of the phrase, "and otherwise meets the criteria of section 101(b)(1)(E)" so as to avoid any double standard for adopted children. The fifth condition concerns the ability of children to acquire citizenship when their citizen parent lacks physical presence in the United States. This proposal permits citizen parents who have not fulfilled the physical presence requirements to transmit U.S. citizenship to their child if the child is residing permanently in the United States with the citizen parent or if the citizen parent of the citizen parent fulfilled the transmission requirements now prescribed by law for children born overseas. In that regard, we recommend that the word "citizen" be inserted before the word "parent" in line 10 of subsection (5)(B) of proposed section 322.

The Department favors section 5 of the proposed legislation, an amendment to section 324. This proposed section would provide a remedy for people who failed to satisfy, for various reasons, the retention requirements of former section 301(b) of the INA. In sum the Department favors the proposed amendments on citizenship with modifications because we believe that this legislation is equitable and enables us to efficiently administer statutes affecting the ability of people acquiring U.S. citizenship.

Thank you. I will be pleased to answer any questions.

Mr. MAZZOLI. Thank you, Mr. Ward.

[The prepared statement of Mr. Ward follows:]

Prepared Statement of James L. Ward, Acting Assistant Secretary of State, Bureau of Consular Affairs, U.S. Department of State

Mr. Chairman, Members of the Subcommittee, I am pleased to appear today to discuss H.R. 97, parole for funerals, and H.R. 783, amendments on naturalization and nationality issues. Let me begin my comments first with H.R. 97.

This bill would amend section 212(d)(5) of the Immigration and Nationality Act to add a new subsection (C) under which the Attorney General would be required to grant parole to permit an alien to attend the funeral of the alien's spouse, parent, son, daughter, or sibling. Parole would be granted upon submission of a certified copy of the relative's death certificate and be valid for not more than thirty days, unless the Attorney General granted a longer period because of exceptional circumstances. The bill would require the Attorney General to report to the Congress, two years after enactment of the provision, whether there had been abuses or violations of immigration law as a result of the provision.

The Department opposes H.R. 97 for the following reasons.[1] Aliens apply for nonimmigrant visitor visas from time to time in order to attend the funeral of a close

---

1 The Office of Management and Budget advises that H.R. 97 would result in an increase in direct spending; thus, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990.

relative who has died in the United States. Consular officers are quite well aware of the humanitarian considerations involved in such situations and are ready to process their applications promptly, giving sympathetic consideration to them.

While there have been cases in which a consular officer felt that other factors made it impossible to issue a visitor visa to such an applicant, I am confident that the applicants were given every humanitarian consideration possible. Moreover, the Department is ready and willing to look into such cases on an expedited basis, if requested to do so. Also, the Department understands that the Immigration and Naturalization Service currently has a policy of granting parole for such purposes in appropriate cases, on a humanitarian basis. Accordingly, the Department believes that H.R. 97 is unnecessary.

Further, I wish to point out an important foreign policy implication regarding this bill. The proposed language permits no discretion on the part of the consular officer abroad, or the Service here, should an applicant be a known narcotics trafficker, an international terrorist or has committed a serious crime which makes him or her clearly excludable. We recognize that such cases would be rare, but believe that this implication should not be overlooked.

Mr. Chairman, H.R. 783 proposes amendments to the Immigration and Nationality Act, particularly Title III on nationality and naturalization, I will address those sections which are of concern to the Department of State, on the whole, we particularly favor the proposed Sections 2,4 and 5 which we believe offer equitable treatment of people seeking United States citizenship.

The Department fully supports the concept embodied in Section 2 of H.R. 783. This proposal would add a Section 301(h) to the INA that would enable children born outside the U.S. before May 24, 1934 of U.S. citizen women who were married to aliens to become citizens. The law in effect until that time, Section 1993 of the Revised Statutes, did not permit U.S. citizen mothers who had married aliens to transmit citizenship to their offspring who were born overseas before 1934. We believe a legislative remedy is appropriate to change this result retroactively.

The Department understands that people acquiring citizenship under the proposed Section 301(h) who desire to pass on citizenship to their children will have to meet the transmission requirements currently in the INA. The Department endorses this approach. We also, however, support subsection (b)'s waiver of any retention requirements when applicable to the descendants of persons who, by virtue of

subsection 301(h), acquired citizenship and will now be able to transmit U.S. citizenship. Finally, we believe that subsection (c) is unclear. Accordingly, we suggest that the second sentence of the subsection be revised to state that people who acquired citizenship under Section 1993 would not be affected by the amendment.

The Department is also fully supportive of the concept of the proposed change to INA Section 322, in section 4 of the bill, which would facilitate the naturalization of children born outside the U.S. Five conditions would have to be fulfilled to enable a child to obtain a Certificate of Citizenship. The Department does suggest that the proposed fourth condition, in Section 322(a)(4) (Section 4(a)(4) of the Bill) be modified to include the words "U.S. citizen" before the words "parent" in line 24 and line 25, and at the end of line 26 we suggest the addition of the phrase "and otherwise meets the criteria of Section 101(b)(1)(E)" so as to avoid any double standard for adopted children. The fifth condition concerns the ability of children to acquire citizenship when their citizen parent lacks physical presence in the United States. This proposal permits citizen parents who have not fulfilled the physical presence requirement to transmit U.S. citizenship to their child if the child is residing permanently in the U.S. with the citizen parent or if a citizen parent of the citizen parent fulfilled the

transmission requirements now prescribed by law for children born overseas. In that regard, we recommend that the word "citizen" be inserted before the word "parent" in line 10 of subsection (5)(B) of proposed Section 322.

The Department favors Section 5 of the proposed legislation, an amendment to Section 324 of the Immigration and Nationality Act. This proposed section would provide a remedy for people who failed to satisfy, for various reasons, the retention requirements of former section 301(b) of the INA. That former law repealed by the Congress in 1978 required the children born abroad of a U.S. citizen parent and an alien parent to come to the United States and remain physically in the United States for a period of time (originally five years, later reduced to two) before their twenty-sixth birthday in order to retain citizenship acquired at birth. The Department estimates that at least 4,000 people are on record as having lost citizenship previously, but there could be thousands more affected. The majority of affected persons are in Eastern Europe, Canada, Mexico and the Phillipines. This change would offer an opportunity for former U.S. citizens to regain citizenship by utilizing a simple procedure. From an administrative point of view, we believe this procedure will also simplify and facilitate the adjudication of citizenship claims, as we will not have to examine the reasons for failure to meet the retention

requirements.

In sum, the Department favors the proposed amendments on citizenship, with modifications, because we believe that this legislation is equitable and enables us to efficiently administer statutes affecting the ability of people acquiring United States citizenship.

Thank you. I will be pleased to answer any questions the Committee may have.

Mr. MAZZOLI. For the edification of our colleagues, the bulk of the statement Mr. Ward has is dealing with bills and testimony which will be addressed in just a moment, but they are somewhat complicated. They're all, we think, just amendments to the Immigration Act and the State Department does, with modifications, support them. Our staff has examined the modifications and they appear to be thoughtful and doable and we, subject to the work of the subcommittee, of course, would be inclined to accept those suggestions. As to the first one which is the one dealing with Mrs. Mink, if I might ask you a couple of questions there. Are you aware of how much money the Office of Management and Budget has set here or did they give a dollar figure?

Mr. WARD. Unfortunately, sir, they did not. This is a change that came over to me at the last minute and they simply asked—they said this is their opinion—and they asked that we include it in our testimony.

Mr. MAZZOLI. Well, we will certainly have to solicit from them information of that nature. And you said one thing, that the applicant could be a known narcotics trafficker, an international terrorist, or one who has committed a serious crime and still qualify. Would that not be the consular officer's call? Does not that man or woman have the authority to reject the application?

Mr. WARD. As this language is written, sir, no. There is no reference back to the ineligibility provisions of the——

Mr. MAZZOLI. There is nothing that you can do. Well, we will have to make that explicit for sure. I do not think there is any question that that is not the intention.

Mr. WARD. And again, sir, if I could raise the issue that the parole authority is actually through the Immigration and Naturalization Service not through the consular officer. When, for example, Congresswoman Mink was talking about dealing with the Embassy in Manila in most cases she was probably dealing with those individuals requesting nonimmigrant visas to attend funerals in the United States.

I, by coincidence, was at a meeting with our consular general from Manila about 1 week ago and we discussed this anecdotally. He tells me that the Embassy does receive about 100 such requests a week and they probably approve nonimmigrant visas in about 10 percent of those requests.

Mr. MAZZOLI. Of those 100 a week, do you know how many are coming in for illness and how many are coming in for death?

Mr. WARD. I do not, sir. I believe he was incorporating all of those in his figure, but the majority of them are either death cases or terminally ill individuals.

Mr. MAZZOLI. You were here when Mrs. Mink said that in her experience most of these cases are really initiated not by the person who walks in at Manila, but by one who comes into the consular office or the Immigration Service here in the United States seeking help for those family members. Have you any advice on that? Are you aware of that?

Mr. WARD. I would say this, sir, I certainly would imagine that that would be the Congresswoman's experience as would be the experience of most congressional field offices. However, in very general terms, historically when an individual dies in the United

States or is seriously ill the family overseas is usually notified long before the Immigration Service or anyone else, and normally the first awareness the U.S. Government has of the case is when the individual comes into an American Embassy or consulate to apply for a nonimmigrant visa for the purpose of attending the funeral or to be at the bedside of the ill individual. I would also like to point out that that system would certainly stay in effect simply because it's much faster and easier on both sides, both on the part of the applicant and on the part of the consul, to issue a nonimmigrant visa than it is to get into the parole issue. For that reason parole is going to be by definition left to those cases which are the most difficult and the most likely cases where the individual would not return to their country of residence.

Mr. MAZZOLI. So, in fact, the people in Manila using that post—but this would, of course, not just be limited to Manila, but around the world. People walking in there first apply for the B visa to come in, that's the typical——

Mr. WARD. That's the normal practice, yes, sir.

Mr. MAZZOLI. And if the consular officer, because that individual doesn't have property or doesn't fit the profile, has rejected it, then the person goes to another window, basically, and under the auspices of the Department of Justice then seeks to have humanitarian parole? Is that essentially the sequence of events?

Mr. WARD. That may be the case in Manila simply because in Manila you do happen to have officers and Immigration and Naturalization Service at post. Now, that is not the case in most posts overseas. So in most posts overseas the venue would then change back to the United States to either the INS central office or an INS district office.

Mr. MAZZOLI. So that that would be taken up back here in the United States once the State Department——

Mr. WARD. I would suspect that's the kind of cases that probably would come to congressional office attention, for example.

Mr. MAZZOLI. Do you have anything other than anecdotal evidence about what the rate of disappearances once in this country would be? Now, we know that only 10 percent of this 100 a week are approved, but do we know of that 10 percent that come—who do make it here—how many of them fail to materialize at hearings or fail to go back home within the allotted time?

Mr. WARD. Well, I want to emphasize that first of all I was talking just about Manila in those cases. I suspect there are many other posts where the approval rate would be much, much higher. And unfortunately, only the Immigration Service could address the issue, I think, of who has actually come back, or who has left the United States. I would not have any figures on that.

Mr. MAZZOLI. If, for example, using the B visa we're talking about, if I were to walk in with a certified copy of a death certificate and a faxed copy or an actual copy of the "San Jose Bee," or whatever their newspaper is, which shows an obituary and it mentions my name in it because it's my mother or my brother or my son or daughter or what have you, and I show you a ticket, I have purchased a ticket, a round-trip ticket, would the fact that I do not have a high paying job, would the fact that I rent rather than own

property in Manila, or Luzon or wherever, would that be enough to knock me out of the running for coming here for a funeral?

Mr. WARD. Well, this, of course, gets to the heart of the process of issuing nonimmigrant visas, Mr. Chairman. Basically the law requires that an individual establish to the satisfaction of the consular officer that he or she, in fact, is not an intending immigrant. It's a very subjective process. I would say there's a large number of cases in which the decision of the consular officer would be based more on their perception of the validity of the story, the validity of the relationship than on documents.

Unfortunately, one of the things we have learned is that documents by themselves are not the most reliable indicator of anything in our business. So it is a very subjective process. And the officer would, of course, have to look at what is the rate of fraud in his particular post or country. What is the push factor, if you will, for individuals to go to the United States. You know, you have in the Philippines, for example, something like 1.3 million immigrant visa cases pending where individuals are patiently waiting in the Philippines for their number to come up.

Now, if you have been petitioned by your brother or sister 15 years ago, you're still waiting, and your brother or sister dies, it's probably not unreasonable for the consular officer to suspect that you are, in fact, going to be an intending immigrant and are not going to return unless you can show a lot of strong ties. But each case really has to be adjudicated on its own merits, sir.

Mr. MAZZOLI. Yes, resident cable traffic where apparently some of these people, at least, are already on file for immigrant visas and——

Mr. WARD. That's particularly true——

Mr. MAZZOLI [continuing]. Someone suggests that their ties to the local community have stretched a bit and loosened a bit.

Maybe not now and maybe not ever, but assuming that the committee would be disposed as it was last time to adopt a version of Mrs. Mink's bill, which is also supported by her colleague from Hawaii, Mr. Abercrombie and Mr. Faleomavaega of Samoa, it would help the committee if you were permitted to offer suggestions despite your feeling that this is not a necessary piece of legislation, that were the committee to be disposed to do it, suggesting that would give the consular officers certain guidance or certain protections. Because the question we always wrestle with is whether a consular officer should have their decisions reviewed somehow and we have always resisted that idea. We have always felt that people posted abroad are in the last analysis in the very best position to make these very tough human calls and that to require of them to do that difficult job with a necessary review behind them is to ask the impossible.

So, maybe there could be something you could offer the committee that would help if we are still of the mind to frame a bill along these lines.

Having said that, let me welcome my friend from Florida, our ranking member, and also a little piece of business before we proceed with the questions.

[Executive session held off the record.]

Mr. MAZZOLI. The gentleman from Illinois, any questions?

Mr. SANGMEISTER. No questions.

Mr. MAZZOLI. The gentleman from Florida.

Mr. MCCOLLUM. Mr. Ward, I walked into this a little late and I apologize. We had the privilege in our conference this morning of hearing from the former President, Richard Nixon, and it was quite interesting and I, quite frankly, couldn't bring myself to leave.

But I have noted that Mrs. Mink's proposals have been met with some degree of skepticism, both in your shop and the Immigration Service over time. I remember going to my own caseworker, who has been with me for over 12 years now doing this type of work, and her comments to me were that, well, there may be one or two cases like this.

We see lots of family hardship situations in which the State Department and our Government expedite matters without having to put these procedures in. In fact, I just don't see the problem that Mrs. Mink sees.

And I don't think there's any question that Mrs. Mink did have a case in particular—I wasn't here for her testimony today, but I've heard her speak before, publicly and privately—which was truly a difficult situation and perhaps not handled the way it should have been.

But overall, am I wrong? I don't see many cases in my own jurisdiction where the requests of American citizens who have funerals and so forth that they wish to have somebody come to are not met. Am I right or wrong about that?

Mr. WARD. From my perspective, sir, you're quite right. I think that we try to administer the immigration law with as much slack, if you will, and as much humanitarian concern as we possibly can. If I can just raise one more anecdotal experience for myself.

When the Colombian plane, the Avianca flight, crashed in Long Island a couple of years ago, a well-known incident, our Embassy in Bogotá opened its doors Saturday and Sunday, the consular section, and announced publicly that it would be open and available for the families of the individuals who had perished in that crash.

We had the manifest. We were very successful in processing a large number of nonimmigrant visas for individuals to travel to New York. By the same token, the officers there tell me that the ratio was over 3-to-1 in terms of the people who came in and claimed relatives on the plane, who, in fact, did not have relatives.

We were able to screen that—because it was publicly announced. It was all over the radio in Bogotá and other places in Colombia. Because we had this discretionary authority, we were able to screen them out. Did we make mistakes in that case? Probably so, sir. There were probably one or two deserving people that may not have been believed and may have been denied. I don't know.

But I do know that, in general, we accommodated those people who needed the assistance and, in general, we weeded out those people who were just trying to take advantage of it. I think the existing system gives us that latitude. I think the Immigration Service would feel the same way about their parole authority, because the two instances are somewhat similar.

Also, I believe that the current system is actually more—when it works—it's more efficient and faster than what would be proposed. I know my own experience in death cases here in the States

is quite often a death certificate is not even available till the day of the funeral. So we have just a lot of logistic issues that would have to be addressed in this kind of a proposal, as well.

Mr. MCCOLLUM. One last comment. We don't have an Immigration witness today from the INS, but it has always concerned me when we deal with anything that adds to the parole of anyone into this country who is not otherwise eligible to be here, because parolees are difficult to round back up again.

I don't think we have the personnel, frankly, to do that. I don't know if you want to comment on that. That's not your role, but you probably have seen that.

Mr. WARD. I would be very much surprised if the Immigration Service would not testify exactly along those lines, sir.

Mr. MCCOLLUM. Thank you very much for contributing this morning. I don't have other questions, but I appreciate it.

Mr. MAZZOLI. Mr. Ward, I have one last question. Maybe you can help me, just as a person who is not very familiar with the State Department procedures. Is there any such thing as posting a bond that would be posted by the U.S. side of this equation and would be forfeited if an individual who seeks entry for a funeral or for a final illness were not to present himself or herself at some point to the Embassy, to that particular consular officer in Manila or in Bogotá or in Paris or wherever, and then, at that point, the bond would be ended?

Is there any such "animal" in the law?

Mr. WARD. There is a provision in the law for maintenance of status and departure bonds. There is a provision in the law that would permit that to take place. Consular officers almost universally do not accept bonds and the very simple reason for that, sir, is that the amount of money an individual is willing to pay to be brought into the United States illegally is quite high.

We know what individuals pay to be smuggled in. We know what individuals pay for counterfeit documents. We know what individuals pay for a 4-by-5 berth on a tramp steamer in the Pacific. And compared to those amounts, a bond is simply not a deterrent.

So we go back to our basis of looking at the individual and making a subjective judgment using our own experience and our own frame of reference as to whether or not the individual will return, and we try to temper that decision as much as we can due to the circumstances of the case.

Mr. MAZZOLI. Is there any way that a combination of bond or vouch could be used on the U.S. side of this equation so that an individual who posts bond or goes vouch would suffer somehow, profoundly in some way, much more so than $5,000 or $2,000 that they would gladly forfeit, but would suffer much worse if, in fact, this individual who comes in didn't go back?

Mr. WARD. I think there are two points I'd like to make there, sir. No. 1, of course, it would have to be an incredibly high bond, I believe. So the individual concern in the States would have, in addition to all of the other stresses of dealing with the death of a relative and the dealing with the things that accompany that, trying to run around and find a way to post this size bond.

Second, that individual would have no control, power or say over his or her relative. I can envision under your scenario some very

concerned bereaved relatives saying, yes, I'll pay anything because I know his mother would want him to be here and they put up $200,000, whatever we're talking about.

An individual comes and says, well, you know, thanks, uncle, I'm out of here. I don't know if that's fair to the relatives in the States to hit them at that point in their lives.

Mr. MAZZOLI. I thank you very much. I appreciate it, Mr. Ward. We may have some questions later in writing and we appreciate your time and trouble today.

I'd like to call forth our panel now, composed of—excuse me. I apologize. My colleague from California is hiding behind the reporter. Congressman Mineta.

STATEMENT OF HON. NORMAN Y. MINETA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. MINETA. Mr. Chairman, I appreciate your allowing me to break in at this point and provide this testimony. I want to begin by saying that I really appreciate your leadership on this issue and your moving so expeditiously to arrange this hearing today, and appreciate this opportunity to be before the subcommittee.

Mr. Chairman, last year, I was proud to join you as a cosponsor of H.R. 5599, the Nationality and Naturalization Amendments of 1992. Although that bill was not considered by the full Judiciary Committee before the 102d Congress adjourned, I am pleased to see that you have reintroduced the bill as H.R. 783 in this Congress. I hope that we will soon see the bill signed into law.

As you are very well aware, Mr. Chairman, section 2 of H.R. 783 is identical to H.R. 286, the Equity in Citizenship Act that I introduced, along with Congressman Berman on the first day of this session of the 103d Congress.

The Equity and Citizenship Act would correct a longstanding discriminatory provision of our nationality laws. Prior to 1934, only American men were allowed to transmit their U.S. citizenship to their foreign-born children. American women were barred from doing so.

Although the Congress granted American women the right to transmit their U.S. citizenship to their children in 1934, that reform was not made retroactive. As a result, any individual born outside the United States before May 4, 1934 to an American mother and a foreign national father is not considered to be an American citizen.

I became aware of this issue in 1991 when I learned about the case of Mr. DeWitt, Chuck DeWitt of Washington State, and I'd like to share his story with the subcommittee.

Chuck DeWitt was born in Canada in 1932. His mother was an American and his father was Canadian. His parents were divorced in 1936 and Mrs. DeWitt then returned to the United States with her two sons. At that time, the Immigration and Naturalization Service assured her, incorrectly, as it turns out, that her sons would automatically become citizens when they reached the age of 12.

Chuck DeWitt has lived his entire life as an American citizen. He had an American passport, served honorably in the Marines, paid

taxes, voted and even held a secret security clearance as a Federal employee.

In 1987, the INS informed Mr. DeWitt that he was not a citizen after all because he had an American mother rather than an American father. His passport was taken away from him and he was given a green card.

Now, Chuck DeWitt did not file suit against the Federal Government and does not wish to. He hopes that we in the Congress will recognize the injustice of the situation and act to rectify it. I believe that we must do so.

Although Chuck DeWitt has not filed suit, others have, and this costly ongoing litigation is a financial drain both on these individuals and on the State Department. The State Department recognizes this fact. In hearings before this subcommittee last year, both the State Department and the Immigration and Naturalization Service expressed support for my legislation.

In fact, I was impressed throughout the process with the degree of cooperation that my staff and I have received from both the Department of State and INS.

Mr. Chairman, I think we all know that discrimination against women in this country is something we cannot ignore. If this provision of our nationality laws was simply a relic of the past, that would be one thing. However, not only are individuals still affected by this situation today, they are engaged in costly litigation against the Government in order to claim the citizenship that should have been theirs by birth.

The State Department is expediting taxpayer dollars to defending a policy that really has no defense. I should have said expending taxpayer dollars defending a policy that really has no defense.

I hope we can act quickly to resolve this issue again. In closing, Mr. Chairman, I'd like to express my thanks to the members of this committee who have contributed to this legislation. The gentleman from California, Mr. Berman, has been of invaluable help to me in this process and I'm pleased to see that H.R. 783 also includes provisions authored by him in the last Congress.

So, again, Mr. Chairman, let me just thank you again for your continued leadership and I'll look forward to working with you to move this legislation forward as quickly as possible.

Mr. MAZZOLI. I thank you. I thank our colleague and thank him for his continued vigilance here, because this certainly is something that ought to be done. I'm just curious, Norm, if, in your research or your staff's, if you ever came upon what was the reason why the law was not made in 1934 fully retroactive?

Mr. MINETA. No. I'm sorry, Mr. Chairman. I don't know why it was not made retroactive.

Mr. MAZZOLI. A lot of times our laws are prospective and there is a gap, and I guess that's really what this is. We're just plugging that gap. Thank you. The gentleman from Florida.

Mr. MCCOLLUM. I really have no questions, just a comment. I certainly remember this legislation from the last Congress and I know that the gentleman and the gentleman from California, Mr. Berman, worked very hard to draft some language that accommodated concerns I had about generation skipping in the area, and I

think that was all incorporated into the gentleman from Kentucky's final product.

So I'm pleased to support this legislation this time and I hope, as you do, that it moves expeditiously through this Congress.

Mr. MINETA. Thank you very much.

Mr. MAZZOLI. The gentleman from Illinois.

Mr. SANGMEISTER. I'm just taking a look at the bill, obviously, there's no separate legislation. This is going to be part of H.R. 783, section 4 will cover the situation.

Mr. MAZZOLI. I think it's section 2, I believe. Section 2 is Congressman Mineta's bill and then section 3, I think, is Barney's bill, Barney Frank's bill. Section 4 and section 5 are the bills that we'll talk about in just a minute.

But we did put them all together because these are all pieces of bills that passed the full committee, subcommittee or some combination.

We thank you very much, Norm, and appreciate you taking the time to join us.

Mr. MINETA. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Mineta follows:]

Prepared Statement of Hon. Norman Y. Mineta, a Representative in Congress From the State of California

Thank you, Mr. Chairman. I would like to begin by saying how much I appreciate your continued leadership on this issue and your moving so expeditiously to arrange this hearing today.

Mr. Chairman, last year I was proud to join you as a cosponsor of H.R. 5599, the Nationality and Naturalization Amendments of 1992. Although that bill was not considered by the Full Judiciary Committee before the 102nd Congress adjourned, I am pleased to see that you have reintroduced the bill as H.R. 783 in this Congress. I hope we will soon see the bill signed into law.

As you know, Mr. Chairman, Section 2 of H.R. 783 is identical to H.R. 286, the Equity in Citizenship Act, a bill I reintroduced along with Congressman Berman on the first day of this session of the 103rd Congress.

The Equity in Citizenship Act would correct a long-standing discriminatory provision of our nationality laws.

Prior to 1934, only American men were allowed to transmit their U.S. citizenship to their foreign-born children. American women were barred from doing so.

Although the Congress granted American women the right to transmit their U.S. citizenship to their children in 1934, that reform was not made retroactive. As a result, any individual born outside the United States before May 24, 1934 to an American mother and a foreign national father is not considered to be an American citizen.

I became aware of this issue in 1991, when I learned about the case of Chuck DeWitt of Washington state and I would like to share his story with the Subcommittee.

Chuck DeWitt was born in Canada in 1932. His mother was an American, and his father was Canadian. His parents divorced in 1936, and Mrs. DeWitt returned to the United States with her two sons. At that time, the Immigration and Naturalization Service assured her, incorrectly it turns out, that her sons would automatically become citizens when they reached the age of 12.

Chuck DeWitt has lived his entire life as an American citizen. He had an American passport, served honorably in the Marines, paid taxes, voted, and even held a secret security clearance as a federal employee.

But in 1987, the INS informed Mr. DeWitt that he was not a citizen after all. Because he had an American mother, rather than an American father, his passport was taken away and he was given a green card.

Chuck DeWitt did not file suit against the federal government, and does not wish to. He hopes that we in the Congress will recognize the injustice of his situation and act to rectify it. I believe that we must do so.

Although Chuck DeWitt has not filed suit, others have. This costly, ongoing litigation is a financial drain both on these individuals and on the State Department. The State Department recognizes this fact. In hearings before this Subcommittee last year, both State and the Immigration and Naturalization Service expressed their support for my legislation. In fact, I was impressed throughout the process with the degree of cooperation my staff and I received from State and INS.

Mr. Chairman, I think we all know that discrimination against women in this country is something we cannot ignore. If this provision of our nationality laws was simply a relic of the past, that would be one thing.

However, not only are individuals still affected by this situation today, they are engaged in costly litigation against the government in order to claim the citizenship that should have been their's by birth. The State Department is expending taxpayer dollars defending a policy that really has no defense.

I hope we can act quickly to resolve this issue.

In closing, Mr. Chairman, I would like to express my thanks to the other Members who have contributed to this legislation. The gentleman from California, Mr. Berman, has been of invaluable help to me in this process, and I am pleased to see that H.R. 783 also includes provisions authored by him in the last Congress.

Once again, Mr. Chairman, thank you for your continued leadership. I look forward to working with you to move this legislation quickly forward.

Mr. MAZZOLI. While we call our next panel forward, I wonder if I might be excused just for about a minute to make one phone call I promised to make right at 10:30. George, if you want to, you may Chair the subcommittee when we get started.

We'll call forward Ms. Michael Adler, who has been before us many times and we appreciate her coming. She's the chair of the Citizenship Committee of the World Federation of Americans Living Abroad. Mr. Peter Alegi, who is another friend of ours here, is a cochair of the Federated League of Americans Around the Globe. Ms. Rosalind Gold, who is the senior research associate and director of program operations of the National Association of Latino Elected and Appointed Officials.

Ladies and gentleman, we will certainly receive your printed testimony and that will be made a part of the record. We will then hear your testimony and get on with some of the questions.

Mr. SANGMEISTER [presiding]. Without any particular order, why don't we start with Ms. Adler.

STATEMENT OF MICHAEL ADLER, CHAIR, CITIZENSHIP COMMITTEE, WORLD FEDERATION OF AMERICANS ABROAD

Ms. ADLER. Thank you, Mr. Chairman. I'm honored to be testifying before you today on behalf of the World Federation of Americans Abroad. We wish to thank especially Mr. Mazzoli, the chairman of this committee, for his understanding of the issues and his help through the years.

I would also like to acknowledge Congressman Howard Berman for his longstanding support. I am Michael Adler, a U.S. citizen who was born and raised in Baltimore and who is currently a 14-year resident of Paris, France. I'm speaking today on behalf of an estimated 3 million U.S. citizens who live and work abroad.

We believe that America needs to have U.S. citizens overseas because we are a unique asset for the Nation and play a vital role in U.S. efforts to create a greater demand for American products, services and the American way of life throughout the world.

Mr. Chairman, we commend you for including in H.R. 783 two provisions which will significantly ameliorate certain citizenship problems for Americans abroad. Section 4 of the bill would enable American parents residing overseas to obtain certificates of citizenship for the children adopted by or born to them abroad who are not already U.S. citizens.

Under current law, these children cannot be naturalized as long as the family resides abroad. This causes American family members abroad to remain separated by nationality. The proposed provision would provide what we believe is a feasible, workable mechanism from the point of view of these families coming to the United States which would allow all minor children in these families to become American at the time when this is most critical; that is, while the family is living abroad.

Section 5 of H.R. 783 would enable an estimated 5,000 former Americans born between 1934 and 1952 to reclaim the U.S. citizenship they lost because they did not leave their families abroad and go to the United States when they were teenagers and young adults, as required under an old section of the INA which was repealed in 1978.

The provision proposed is quite limited. It rights an old wrong in a simple, cost-effective way. It does not provide for blanket retroactive citizenship to the group at large, but rather grants reinstatement only to those individuals who come forward and indicate their wish to be reinstated. It addresses a separate question from the one that is raised in Mr. Mineta's bill. It's related in a certain way, but it's a separate question.

Mr. Chairman and members of the subcommittee, we heartily endorse these two provisions in H.R. 783. Our written testimony, which is in the record, contains representative case studies of Americans abroad who would benefit greatly by the passage of this bill.

I would like to take this opportunity to draw your attention to a problem that is not addressed in H.R. 783, but one we would like to see included, the 5-year residence requirement for transmitting citizenship to a child born abroad to an American citizen.

This provision is contained in section 301(g) of the Immigration and Nationality Act. Under that section, an American married to a non-U.S. citizen who has a child born overseas cannot transmit U.S. citizenship to that child unless the American parent spent 5 years in the United States before the child was born, and 2 of those 5 years had to have been before the parent reached age 14.

Basically, there is a condition subsequent and it gets triggered if an individual marries a non-American and has a child born abroad. This provision causes significant hardship for Americans abroad and we would like to see this 5-year requirement reduced to 1 year for a number of reasons.

I will just list them briefly. One, the current provision penalizes American parents merely for being abroad and for choosing spouses who are not U.S. citizens. Two, most of those affected adversely are unaware this law exists. They only find out about it when they go to register their child at an American Embassy or consulate abroad. They find out they did not have the 5 years of residence in the United States. Their child is not American, and sometimes the child is even stateless and there is nothing to be done about it at that point.

Three, even when individuals know about the requirement, it presents an almost impossible financial and emotional burden in that it requires Americans abroad to send their children to the United States for a total of 60 full months before the child has grown up. Is this really a demand we want to place on any American family?

Four, for a baby born out of wedlock to an American mother abroad, there is only a 1-year residence requirement for the parent. The result is that American women have deliberately delayed marriage and had babies out of wedlock abroad in order to assure that their children will be U.S. citizens. U.S. consular officers have actually recommended this approach to Americans as the only option in this situation. Surely, Congress did not intend this.

Five, because of section 301(g), every year untold numbers of Americans undertake the medical risks and financial nightmare of sending an expectant mother to the United States so that the baby will be born on U.S. soil. What about the families who cannot afford the bills for this or the pregnant American women who cannot

physically risk the voyage? Does Congress really want to force Americans to undertake such dangerous and drastic steps?

Number six and finally, the estimated number of children involved annually is between 4,000 and 5,000, a very small number, relatively speaking. What purpose is served by shutting out these children of Americans who could become our most articulate and persuasive spokespersons for American products and services, American ideals and American aspirations in tomorrow's world?

In closing, Mr. Chairman, we endorse H.R. 783 and we strongly recommend that the transmission requirement of section 301(g) be reduced from 5 years to 1 year in the aggregate and that such change be applied to children who were 18 years old or younger at the time of enactment. That would keep families together.

I respectfully remind the subcommittee that the citizenship problems experienced by Americans overseas do not involve international law and that we and our children are neither immigrants nor refugees. We are Americans, like everyone here. No better, for sure, but certainly no worse. We'd like to be treated fairly and not be penalized merely because we live abroad.

Mr. Chairman, I thank you and your colleague, Mr. McCollum, and the subcommittee for the opportunity to be here today.

Mr. MAZZOLI. Thank you very much.

[The prepared statement of Ms. Adler follows:]

Prepared Statement of Michael Adler, Chair, Citizenship Committee, World Federation of Americans Abroad

SUMMARY OF W.F.A.A. POSITIONS

Regarding H.R. 783, the World Federation of Americans Abroad:

(1) Endorses Section Two, which would provide equal treatment of women in conferring citizenship to children abroad and would apply this treatment to persons born before 1934 and their descendants.

(2) Endorses Section Four, which would enable American parents residing overseas to obtain Certificates of Citizenship for their children -- adopted or otherwise -- without requiring the parents to reside in the United States.

(3) Endorses Section Five, which would enable approximately 5,000 individuals (born between 1934 and 1952) to reclaim the U.S. citizenship of which they were stripped when they were young adults. Their citizenship was taken away for failing to meet the U.S. residency requirements of an old provision of law which was repealed in 1978.

The W.F.A.A. also recommends an amendment to Section 301(g) of the Immigration and Nationality Act which would:

(1) Reduce to one year in the aggregate the American parent's prior U.S. physical presence requirement for transmitting U.S. citizenship to a child born abroad (when that parent is married to a non-American).

(2) Apply such a change to children age 18 or younger at the time of enactment.

Mr. Chairman, on behalf of the World Federation of Americans Abroad, I thank you for the opportunity to testify before you today on H.R. 783. We are grateful to this subcommittee for the consideration that it has extended to Americans overseas in the past.

In addition to thanking you for your own efforts, Mr. Chairman, the W.F.A.A. would like to recognize the contributions made by Congressman Howard Berman, a member of the full House Judiciary Committee, in supporting Americans abroad.

The World Federation of Americans Abroad (W.F.A.A.) represents through its membership approximately 50,000 Americans living overseas and, through their regional groups, all of the American Chambers of Commerce abroad. The W.F.A.A. is a non-profit, non-partisan federation of American organizations dedicated to improving U.S. laws and policies affecting the estimated three million U.S. citizens who live and work abroad. The W.F.A.A. member groups include American business, cultural, professional, educational, social, civic, and veterans' groups in all parts of the world.

The W.F.A.A. founding members are:

- The Association of Americans Resident Overseas (AARO), a Paris-based organization founded in 1973;
- American Citizens Abroad (ACA), established in Geneva in 1978;
- The European Council of American Chambers of Commerce (ECACC), founded in 1965 with its headquarters currently in London;
- The Federation of American Women's Clubs Overseas (FAWCO), established in 1931 and currently based in Vienna.

The W.F.A.A. is headquartered in Paris. Our funds come from group member dues and grants from corporate sponsors. We wish particularly to acknowledge our founding sponsor, AT&T, for its generous support.

I am speaking to you today as a member of the World Federation's Board of Governors and as Chair of the Citizenship Committee. I am also before you today as an American who lives overseas, one of many who proudly defend our nation's interests around the world.

WHO ARE THE AMERICANS WHO LIVE ABROAD?

Mr. Chairman, I was born and reared in Baltimore, Maryland. I am a graduate of the University of Maryland and the George Washington University Law School. I entered government service in Washington, D.C., working first at the National Institute of Mental Health and later as a legislative staffer to the Director of the National Institutes of Health. Frankly, it had never entered my mind to leave the United States. I simply got married . . . to a Frenchman. He and I decided to begin our life together by living for "a while" in France. Thirteen years later, I find myself still there, knowing a lot more about France than I had imagined, yet in the process becoming more "American" than I ever was when I lived here in Washington.

Most Americans living overseas are just as "home-grown" as I am. We have accepted or chosen to live overseas to represent our businesses or for family reasons or to follow our dreams, but we are also conscious of the fact that we are unofficial representatives of the United States in everything we do and say abroad. We maintain strong ties to the U.S. with trips home as often as possible. We educate our children in American schools abroad if we can afford it and if they are available where we live. We go to great lengths to send our children to college in the U.S. whenever possible. We ensure that our U.S. tax obligations are met. We vote in U.S. elections, casting our absentee ballots as Overseas Citizens.

We are an educated group, one that speaks foreign languages and is familiar with foreign cultures. We also take our American culture to the places we visit and live, thus strengthening the influence of the United States and its values of democracy and free enterprise around the world. Through our work overseas -- in industry, commerce, the professions, and the arts -- we advance the nation's economic goals and promulgate its cultural values. As U.S. citizens abroad, we have great potential for fostering a positive image of America throughout the world while at the same time contributing to America's economic and cultural well-being at home.

Unfortunately, the public image of Americans abroad is sometimes very distorted. It is a sad but true fact that many Americans who have never lived abroad often assume that we have abandoned our country, that we have rejected our citizenship, that we are tax cheats, or that an American who can easily converse in a foreign language has somehow *become* foreign. Perhaps they also confuse the word "expatriate" with "ex-patriot." Yet, nothing could be further from the truth. In many ways, we may be more "patriotic" than Americans living at home because we constantly find ourselves in situations where we explain or defend American actions, policies, and events.

THE NEED FOR POLICIES WHICH SUPPORT AMERICANS ABROAD

In the 1990s, as the U.S. moves to compete in the international marketplace and to buttress democracy around the world, the W.F.A.A. believes that America's three million "unofficial ambassadors" living and working overseas have an extremely important role to play -- both in being on the "front lines" of the effort to advance U.S. business competitiveness internationally, and in helping to foster a positive image of America and Americans around the world.

Yet, as the need grows for more Americans overseas, it is ironic that all too often U.S. law and policy toward citizens overseas actually places impediments in their paths and even penalizes them for going abroad. U.S. citizens who live and work overseas experience problems which emanate from their own government in such areas as citizenship, voting, taxation, education, and access to health care.

How did these problems arise? Mostly through benign neglect. To the best of my knowledge, no federal policy exists to support Americans who live abroad. We have yet to be recognized as a group for which a comprehensive federal policy is appropriate and necessary. In fact, we don't even show up in the U.S. Census. One of the reasons I am here testifying today is to participate in the process of helping to develop policies which more fully recognize the positive potential of Americans overseas and which acknowledge Americans abroad as the major national asset they are.

Mr. Chairman, the United States of America is a unique country. Unlike colonizing nations like Britain and Spain, which historically built vast colonial empires and have centuries-old traditions of recognizing the value of establishing their citizens in foreign lands, the United States is first and foremost a nation of immigrants. Our country has been a place people immigrate to -- a vast melting pot where foreigners reaching our shores leave the vestiges of their "old" countries behind and take on the new role of being "American."

Unlike our trade competitors, Americans are not accustomed to thinking of themselves as people who live and work abroad. Yet, particularly since the end of World War II, U.S. citizens have increasingly traveled outside of the U.S. and sought to widen their personal and professional horizons overseas. They have also increasingly sought to expand U.S. business internationally and to open new markets -- at the level of the individual American entrepreneur, as well as that of major U.S. corporations.

Moreover, in the last decade, thanks to such factors as easy access to international air transportation and telecommunications, the world has shrunk immeasurably. To compete in the global marketplace of services, ideas, and products, and to stay in the forefront, America needs to have U.S. citizens overseas. It is time for Americans at home to re-think how they look at U.S. citizens abroad and how they can support them. In the words of President Clinton, "It's time to make clear to all Americans your contributions [as Americans overseas] to our country, and it's time to address your concerns . . . . We owe this much to you in recognition of the valuable services you provide our country."

THE NEED TO AMEND CURRENT CITIZENSHIP LAW

Mr. Chairman, there is perhaps no more precious a right for an American than the right to be a U.S. citizen and to transmit this citizenship to his or her children.

Americans who live in the U.S. automatically assume that their children will be U.S. citizens at birth. For Americans who live overseas and whose children are born abroad, the whole question of transmitting one's citizenship is far from certain. If the American in question is married to a non-American, for example, requirements must be met regarding time spent in the U.S. It is estimated that some 4,000 children of U.S. citizens are denied U.S. citizenship annually because of such requirements. If the child is adopted by Americans living abroad, he or she has no hope of becoming American while the family lives overseas.

More often than not, in my experience, Americans abroad do not even know about these onerous requirements until they fail to meet them. At that point, it is too late. The news comes as a most unwelcome surprise, a real slap in the face. I am certain that Congress did not intend to hurt individuals this way. But imagine how it feels to be told at a U.S. Consulate that one's child is barred from U.S. citizenship because one has failed to fulfill a U.S. residence requirement that one did not even know existed. Moreover, as the law now stands, some children within the same family are Americans and others are not. Under the law, citizenship can be an arbitrary matter dependent upon the date before or after which the children happen to be born.

Some American parents, attempting to get around restrictions in current law, undertake the medical and financial nightmare of sending an expectant mother to the United States so that the baby will be born on U.S. soil. We know of several U.S. citizen mothers who have postponed marriage and chosen to have their children out of wedlock in order to take advantage of a shorter residency requirement provided under law for unwed U.S. mothers abroad. Shocking though it may be, children of Americans can even be born stateless. Surely Congress did not intend such absurd and unfair situations.

These restrictions, in effect, penalize U.S. citizens for living abroad by withholding U.S. citizenship from what is our country's most valuable resource: our children. We cannot see how American interests are served by this policy. Further, it makes no sense that the children of U.S. citizens overseas -- bi-lingual, bi-cultural young people who represent the best of what America has to offer at home and abroad -- are being shut out and cut off from the American heritage which they and their parents value so highly.

H.R. 783: TWO KEY PROVISIONS

H.R. 783 takes two important steps to ameliorate this inequitable situation: (1) It expedites naturalization for minor children of American parents; (2) It reinstates certain former Americans as U.S. citizens. The W.F.A.A. addresses each of these points below.

(1) Expeditious Naturalization for Minor Children

As I mentioned, Mr. Chairman, an estimated 4,000 children born abroad each year to American parents are not U.S. citizens at birth. Also, many hundreds of non-American children are legally adopted abroad each year by U.S.-citizen parents living overseas. In both cases, these children are caught in a situation whereby they cannot become U.S. citizens so long as their families reside abroad. Section 4 of H.R. 783 addresses the need in these cases for a mechanism which would enable such children to obtain certificates of citizenship without requiring that the family move back to reside in the United States.

This provision, as we understand it, would provide for a naturalization procedure in which U.S. parents and their children would come to the United States only once, at the end of the application review process, to obtain final approval for the naturalization. An oath of allegiance to the United States and renunciation of loyalty to the child's previous country would be part of that final procedure, although the Attorney General may waive the taking of the oath if, in the opinion of the Attorney General, the child is unable to understand its meaning. While the oath might possibly pose problems with regard to the child's other citizenship, depending on the requirements of nationality law of that country, the expeditious procedure is an excellent initiative.

The amendment, overall, would help American families residing abroad to assure that all minor children in those families could become Americans while the family is living abroad. The following cases illustrate situations which Section 4 of H.R. 783 would rectify.

The Case of Ben Davis

Ben Davis is an American and a Harvard-trained lawyer working at the International Chamber of Commerce (ICC) in Paris. Ben and his American wife have two adopted children in France: Anne-Laure, born in 1988, and Daniel, born in 1990. Ben Davis loves his job. By serving the ICC, the leading institution for international arbitration in the world, he is fulfilling his dream of having an international career overseas in the private sector. Ben also loves his children. Despite living in Paris, he and his wife are raising their children in an American family setting. Ben Davis wants them to be U.S. citizens. Under current law, however, the only way he can do this is to quit his job, move back to the U.S., and reside there permanently.

The Case of Jerry Di Giacomo

Jerry Di Giacomo is an American actor who lived exclusively in the U.S. from birth until he was 23, when he came to Europe to study mime. In France, he met and married Nadia, a French citizen. In 1986, the French Court awarded them full adoption of their son, Nicholas-Geordie, then age 18 months. In Jerry's work as an actor, he often plays roles of Americans in films and TV productions produced or co-produced by U.S. companies. His career as an actor and member of the entertainment arts community has been built in France. For Nicholas-Geordie Di Giacomo to be a U.S. citizen, Jerry and his family would have to leave that career behind and return to the U.S. to reside permanently.

(2) Reinstating Certain Former Americans as U.S. Citizens

Section 5 of H.R. 783 would enable an estimated 5,000 individuals born between 1934 and 1952 to reclaim the U.S. citizenship they lost through no fault of their own, and it would allow them to do so by coming forward as individuals to reclaim this status.

During the 1950s, '60s, and '70s, an estimated 5,000 American teenagers and young adults living abroad were stripped of their U.S. citizenship, against their will, because they did not leave their families abroad to go reside in the U.S. as required under "old" Section 301(b) -- which has since been repealed. Because they were born outside the United States and only one of their respective parents was a U.S. citizen, these individuals were required to reside in the U.S. for certain periods of years in order to keep the U.S. citizenship they were born with. In 1978, Congress, recognizing this section of the law as unfair and unnecessary, repealed it. But for those who had already lost their citizenship, Congressional action came too late.

In all likelihood, only a relatively small number of those 5,000 persons would come forward now to be reinstated were they to be given the chance. Yet, for them, regaining their U.S. citizenship is and has always been a matter of *paramount importance.*

The reinstatement would not be a naturalization, nor would it make citizenship retroactive for any of the individuals involved. Rather, it would be a straightforward process in which the individual would step forward, take an oath of allegiance to the U.S., and thereby be reinstated. Such an oath, which would involve renouncing loyalty to his/her former country, could be taken abroad before a consular officer of the United States. The oath might possibly pose problems with regard to the person's other citizenship, depending on the requirements of nationality law of that country. Despite this, Section 5 of H.R. 783 provides a way -- through a simple, cost-effective procedure -- for members of this select group to regain their U.S. citizenship.

This provision would provide relief in such cases as the three which follow.

The Case of George Colombier

George Colombier was born a U.S. citizen in Neuilly sur Seine, France on May 30, 1934 of an American mother and a French father. On September 30, 1939, at the age of five, George sailed to New York with his maternal grandmother, also a U.S. citizen. There he stayed for the duration of the war.

In October of 1946, at the age of 12, George returned to France and lived there with his parents for the rest of his childhood (except for a two-month visit to New York in the fall of 1949 when the entire family convened for his great grandmother's 80th birthday). While in New York, he was issued a U.S. passport (valid for two years). He was 15 years old.

At the time in question, "old" Section 301(b) required that, for George to keep the U.S. citizenship he was born with, he had to be physically present in the United States for the five years between the ages of 13 and 18. As a minor child (and an only child) still attending high school and living with his parents, he had no choice but to stay with his family in France.

The requirement thus went unmet. In 1951, when he was 17, a U.S. Consular Officer in Paris revoked his passport and documented him as no longer being a U.S. citizen, thereby intending to sever him from his American roots.

Today, George Colombier is 57 years old. He is a medical doctor who has been successfully practicing eye surgery in Cannes, France since 1965. Despite the forty years which have elapsed since his U.S. citizenship was taken from him, he has always felt and continues to feel American. As he states, "Having my U.S. citizenship back would make the most tremendous difference in my life. I am aware that, if my citizenship were to be restored, I would be undertaking to pay U.S. taxes and that such restoration would not make my children American citizens. Nonetheless, I still intend to keep trying to get my citizenship back. It is a part of me. It means more to me than I can say."

The Case of Perrine de Brinon

Perrine de Brinon was born a U.S. citizen in France of an American mother and a French father. She spent part of her childhood in the United States before and during World War II. After the war, her family returned to France, since her father's business was there. Perrine had no choice but to return to Europe with her parents.

In Perrine's case, "old" Section 301(b) required her to go to the U.S. prior to age 23 and to remain there for five years. She had, instead, gotten married and was not in a position to demand that her new French husband pull up roots and go to the U.S. Her 23rd birthday

"came and went," as she says. The residency requirement went unfulfilled, and her U.S. citizenship was revoked.

Perrine states, "When I divorced and was at last able to make my own decisions, America was closed to me. No longer a citizen, I had become a foreigner in the eyes of my country." Through the years, Perrine has been actively trying to regain her American citizenship. She says, "Since residency requirements [for retaining U.S. citizenship] were abolished for individuals such as myself in 1978, I cannot understand why there should be a second-rate category of American-born persons who are unable to regain their lost citizenship, although they possessed such a status for a period of twenty-three years."

The Case of Robert Michaux

Robert Michaux was born a U.S. citizen in Paris on June 16, 1950 of a French father and an American mother. He made frequent trips to the United States throughout his childhood and, at age 18, he lived for six months in Washington, D.C. He registered for the U.S. Selective Service there, but was not called up.

Robert had intended to enter the MBA program at San Francisco State College, but just before he was to enroll, his father suffered a heart attack, and he was obliged to take over the family business in France. As a result, he was unable to complete the full two years of U.S. residence required under the law at the time. At age 26, his passport was not renewed -- his citizenship was revoked, a painful loss about which he continues to feel strongly. Despite the fact that he is no longer a U.S. citizen, he travels frequently with his wife and children to the United States. According to Robert: "Getting my U.S. citizenship back would be the fulfillment of a dream."

ADDITIONAL LEGISLATIVE RELIEF

The Need to Reduce Residency Requirements for Transmitting U.S. Citizenship

The World Federation of Americans Abroad is pleased and gratified that H.R. 783 addresses the two issues discussed above. We would also like to draw to your attention, Mr. Chairman, another citizenship issue that is long overdue for change: the residency requirement for transmitting U.S. citizenship to children born abroad. The W.F.A.A. recommends adding an amendment to Section 301(g) of the Immigration and Nationality Act which would:

- Reduce to one year in the aggregate the prior U.S. physical presence requirement for transmitting U.S. citizenship to children born abroad;

- Apply this change to children age 18 or under at the time of enactment.

(A) *The Basic Problem with the Current Five-Year Residency Requirement*

The Need: Under Section 301(g) of the INA, an American, married to a non-U.S. citizen, is eligible to transmit U.S. citizenship to a child born overseas only if the American parent spent five years in the U.S. prior to the birth of the child, with two of the five years being spent after the American parent reached age 14.

The effect of this requirement in all too many cases is that it renders American children who are raised outside of the U.S. (because they lived with their parents abroad) ineligible to transmit U.S. citizenship to their children born abroad later in life. **This provision penalizes Americans for living abroad and for choosing spouses who are not U.S. citizens.** Basically, it requires those of us who live abroad to find the emotional and financial resources to send our children to the U.S. (while we are still living abroad) so that they will have spent a total of five years in the U.S. (with two of those five years after age 14) during their own growing up period. In that way, we could ensure that they fulfill the requirement of Section 301(g) for transmitting U.S. citizenship to their children (our grandchildren) in the event that they at some later point in their lives decide to marry non-Americans and have their children born abroad. Surely Congress did not intend to force parents and children apart in this way. Yet, currently this is the only sure method to safeguard our children's right to transmit U.S. citizenship to our grandchildren.

Most Americans do not even know about this requirement in the law. They learn about it only if they fail to qualify -- that is, when they have their first child abroad, go to the U.S. Consulate to report the birth of a U.S. citizen, and are informed by a U.S. Consular officer that they have not spent enough time in the United States prior to the birth of the child to transmit citizenship to that child. At that point, it is too late.

The Case of Lt. Col. Harris Cassell

Lt. Col. Harris Cassell served 20 years with the U.S. Army in World War II, was stationed in Korea, and represented the U.S. in the Berlin Command during the crisis of 1961. Upon retiring from the Army in Heidelberg, Germany, in 1963, he took up employment with Founders Mutual Depositor Corporation, an international investment company with headquarters in Denver, Colorado.

Lt. Col. Cassell's son, Bruce, a U.S. citizen, lived with the family and grew up abroad in "a truly American atmosphere." Financial constraints required him to continue his higher education in Europe instead of returning to the U.S. to attend college there. He obtained his doctorate in geophysics at the University of Cambridge in England, and later joined the London research department of Western Geophysical Company of America.

In 1982, Bruce Cassell married a German national. Their twin daughters were born in Germany in 1983. As Lt. Col. Cassell puts it: "I was certainly a proud grandfather. However, we learned that the children would not be U.S. citizens by birth at the Embassy when we attempted to register them. I was outraged that my cherished heritage as an American citizen, my ability, privilege and right to transfer my valued American citizenship to my grandchildren, through my son, had been legislated away. My son, in fact, had eleven years of physical presence in the U.S. but was unable to meet the requirement of 5 years in the U.S. after age 14. And this was so even though I was employed abroad by an American corporation." Lt. Col. Cassell feels very strongly that "U.S. laws should support our families rather than taking away their inherited rights as American citizens!"

Even when one is aware of this requirement, complying with it can be a heavy burden.

The Case of Amy Webster Herrera

Amy Webster Herrera, a U.S. citizen whose American parents were born, raised, and educated in the U.S., has ancestral ties that go back to before the Declaration of Independence. Amy's father, an attorney with a U.S. law firm, has spent all but four of his 39 years of practice in the firm's overseas offices, serving U.S. corporate interests abroad. As a result, Amy and her three American sisters grew up overseas.

The Webster girls, despite the fact that they married non-Americans, have maintained strong ties to the U.S. Although Amy's parents made tremendous efforts to send the girls to the U.S. throughout their respective childhoods, the four have been unable to amass sufficient time in the United States to transmit U.S. citizenship to their children under Section 301(g).

Amy, married to a Swiss citizen and living in Lausanne, has one child and another on the way. Despite returning fifteen times to the U.S. for vacations, summer school, and college, she has not acquired the full five years' (60 complete months') presence that the law requires. Amy states, "Why are my sisters and I so preoccupied with this problem? It is primarily because, despite being brought up largely overseas and continuing to make our lives there, we feel American and are proud of being American and want our children to have the same feelings and reactions. We also believe that [by being abroad] we are contributing to the worldwide image and interests of our country. We want our children to be educated in the United States, and that is a lot more possible and probable if they are citizens of the U.S."

The Case of Isabelle de Sibert Dusastre

Isabelle de Sibert Dusastre's father, Frederic C. de Sibert, is a U.S. citizen whose ancestors settled in the U.S. two centuries ago. As an aeronautical engineer who spoke fluent French, he was sent to France in 1969 by the United Aircraft Corporation as the "ideal" individual to

head their Paris office for European helicopter sales. He later worked for Simmonds Precision, another U.S. firm operating in France. Isabelle, who is also a U.S. citizen, was almost 12 years old when she went abroad with her father.

Although she spent every summer in the United States from the time she was 13 until she married a Frenchman at age 22, Isabelle did not qualify under Section 301(g) to transmit U.S. citizenship to her three sons born in France in 1980, 1982, and 1987. Two months of summer vacations, multiplied by 10 years, equals 20 months after age 14 -- still not enough to meet the 24-month minimum specified by Section 301(g).

Despite the rebuff by the U.S., Isabelle's three sons have close ties with America. They spend two months every summer visiting their grandparents in California, they have received a bi-lingual education, and they are exposed to American culture in their everyday lives. Isabelle hopes that they will attend college in the U.S. when the time comes.

Sometimes the effects of this law can be particularly pernicious and harsh.

The Case of Master Sergeant Leroy Barnes

Master Sergeant Leroy Barnes died in combat in Vietnam in 1966. He was awarded two Purple Hearts, several army Commendation Medals, a Presidential Citation, and the Air Medal. He was also awarded the Vietnamese Military Merit Medal for outstanding service. Yet, the country for which he died refuses to recognize the citizenship of his grandchildren.

Leroy Barnes was born in 1921 and orphaned as a child. He joined the Army in his twenties and began a career as a professional soldier. During an overseas assignment, he met Anne Mary Ravessoud. After they married, she was naturalized as a U.S. citizen in 1956. In 1966, when her husband was killed in combat, she found herself alone with three children. Having no relatives in the United States, she took her children to live with her family in Switzerland.

Anne Laraine Barnes, the oldest of Sergeant Barnes' three children, is a U.S. citizen. She lived as a U.S. Army dependent until the age of seventeen-and-a-half, when her father died and the family moved to Switzerland. For purposes of transmitting citizenship, dependents of U.S. military personnel satisfy the "physical presence" requirement, even though they may not actually be in the United States.

At age 25, she married Gilbert Borgeaud, a Swiss citizen. When her first child was born, she went to the U.S. Embassy to register the birth of the child as a U.S. citizen and was told that she had no right to do so. Had she been able to remain her father's U.S. Army dependent until age 19, she would have satisfied the requirements of law (ten years in the U.S., five of these after the age of 14).

If Sergeant Barnes had not been killed before his daughter reached age 19, his grandchildren would be American citizens. He died in the service of his country, but his progeny will never enjoy the benefits of being American.

Suggested Remedy: The current five year U.S. presence requirement of Section 301(g) of the INA should be reduced to one year in the aggregate. This change would be reasonable, and it would ease considerably the hardship experienced under the law as it stands today.

(B) *Applicability of Amendments to Section 301(g) to Children 18 Years Old or Younger at the Time of Enactment*

The Need: An amendment, passed on November 14, 1986, reduced the U.S. presence requirement from ten years (with five years of the ten after the age of 14) to five years (with two years of the five after the age of 14). This action was a welcome step in the right direction, but it was not retroactive and did not apply to children born before the date of the amendment's enactment. Thus, ironically, it failed to help the very parents and children who had petitioned for redress at the time. It also split siblings in some families into two groups: those children who were born after November 14, 1986 who are U.S. citizens, and their older brothers and sisters born before that date who are not.

The Case of Elizabeth Partridge Conquer

Elizabeth Partridge Conquer was 16 years old when her father, John Van Buren Partridge, was transferred to Amsterdam by his employer, National Cash Register Company. She accompanied her parents to Holland, was educated there, spent a year in Vermont at Trinity College, and then went to Paris to continue her French and art studies. In 1982, she married a Frenchman, and in 1986 her first son, Nicholas, was born -- just two months before the 1986 amendment to Section 301(g) was enacted. While she fulfilled the "new" physical presence requirement, Nicholas was born under the "old" rules and was therefore not a U.S. citizen.

Nicholas is now five years old and has two younger brothers and a sister, all of whom are U.S. citizens because they were born after the rules changed. Elizabeth notes, "It will be difficult explaining to him in a few years why this is so. I frankly do not understand it myself and neither does my father, who remains enraged that U.S. law would prohibit his first grandson and a direct descendent of President Martin Van Buren from being a U.S. citizen." Elizabeth adds, "It is very difficult for me to accept the fact that anyone passing through the U.S.A. who gives birth to a child is allowed to give that child American citizenship, while I, an American born and raised, am refused this basic right. Does marrying a foreigner and residing abroad make me a second-class citizen?"

The Case of Caroline van Herpen

Caroline van Herpen, an American citizen, grew up in Europe and the U.S. She graduated from the American College in Paris, and in 1974, she left her family in Europe to come to Washington to work for the U.S. Congress. She served nine months as an intern in the House Republican Conference, obtained a Masters Degree from the Johns Hopkins School of Advanced International Studies, and was hired by the Johns Manville Corporation as the "perfect" person to audit their overseas offices. Caroline spoke several languages and had extensive experience traveling and living abroad.

From 1978 to 1983, Caroline worked for the Manville Corporation all over the world, traveling for the better part of each year, ensuring that American corporate assets were safe and well managed. In 1985, she married a fellow Manville employee, a Dutch citizen, who had been transferred on an overseas assignment for the company in Paris. Their daughter Julia was born in Paris in May, 1986. Unfortunately, when Caroline counted up her time on U.S. soil, it added up to only eight years and a few months -- not enough time to fulfill the residency requirements of 301(g) as they existed in May, 1986. Had she been at a desk job in the Denver headquarters of Johns Manville, instead of traveling at a grueling pace for them overseas, her daughter would have been a U.S. citizen.

Five months after Julia was born, Congress reduced the time required for transmitting citizenship under 301(g). Thus, when Caroline's son Max was born in 1989, she was able to transmit U.S. citizenship to him. The fact that Max is a U.S. citizen and his sister, three years his senior, is <u>not</u>, is distressing for all concerned. Caroline states, "When we go to America to see our family, Julia travels on an indefinite visa. The immigration officer asks me why Julia does not have an American passport. It is not easy to explain nor to accept . . . . Julia sometimes asks whether she is American or not. I assure her that she is, every bit as much as her brother, because that is what I believe, the current law notwithstanding."

<u>Suggested Remedy</u>: Provide that any reduction in the prior U.S. physical presence requirements of Section 301(g) of the INA be made to apply to children age 18 years or younger at the time of enactment so that American families abroad will not be separated by different nationalities in this senseless way.

• • •

Mr. Chairman, this concludes my prepared testimony. I stand ready to answer questions and help develop remedies for the problems facing Americans abroad as outlined above. Again, on behalf of the World Federation of Americans Abroad, I thank you and the subcommittee for the opportunity to testify today.

Mr. MAZZOLI. Mr. Alegi.

STATEMENT OF PETER C. ALEGI, PRESIDENT, FEDERATED LEAGUE OF AMERICANS AROUND THE GLOBE (FLAAG)

Mr. ALEGI. Mr. Chairman, thank you for asking us back again this year. As you know, our organization, FLAAG, is a nonpartisan foundation created by the two major political parties, Republicans Abroad and Democrats Abroad, for the purpose of bringing to the attention of Congress in as an effective a means as possible the situation of Americans overseas.

Our issues are perhaps 15. I will not read the litany, but the four main issues we deal with are voting rights, taxation, education and citizenship. During this past year, we published monthly articles in the International Herald Tribune which drew considerable response from the American citizenry, or at least from those who think that they are citizens overseas.

The largest response was to the article on citizenship. We were literally deluged. And in view of this hearing, we have published this past weekend a second article on citizenship. This time we hope you will be deluged with the response. The article is attached to our prepared statement.

When we were discussing in FLAAG what our position should be with respect to this legislation, I must say there was some opposition to it, based on its obvious compromise nature. The position which we represented before you last year is substantially that which Ms. Adler has just offered on behalf of her group. We think that it is clear that there is a need for further reform of the citizenship transmission requirements.

However, our constituents are people who are hurting right now. We perceive that there is an ongoing difficulty in Congress' understanding of why some of us think we are Americans, despite the fact that we live overseas and perhaps are married to a foreigner. Further, why are U.S. legal standards for citizenship differing even more from those of our friends and allies?

In consideration of the immediate needs of so many people, of the backlog that has built up through the years, of the sad cases which have been put before this committee several times already, we decided that we would, indeed, come before you to support this legislation and, in particular, section 4.

I won't repeat all the requirements of section 4, but I would focus for a moment on the alternative provision, subparagraph 5(b). This is, I think, a major step forward in that it permits Americans who have no immediate intention to return to the United States for permanent residence to obtain a certificate of citizenship.

I must say that this compromise will not be of much use to most of our constituents unless it is clear that all arrangements can be made in one stop and one effort. That is to say, as I read the bill, one could prepare all the documentation that's necessary to meet the conditions while the family is still outside the United States.

Indeed, I would think that the consular services probably is going to be in better position to sort out any problems than the delegate of the Attorney General in the United States.

I would like to have it very clear, preferably by one or two words of amendment, that the application can be sent in while the family

is still at its normal residence. Let's face it. Most people are going to take time off from work. There's going to be one parent, one child, two children, and they're going to want to come over during their summer holidays or some created occasion and be able then to get this affirmation of their citizenship.

Any sort of bureaucratic difficulty, legitimate doubt as to meeting the standards, can be and should be taken care of before these people incur in the cost and the disturbance to their home life.

Now, as I read it, 110 years away from my bar exam, there is no prohibition of overseas filing. But I think, rather than leave the matter in doubt, if there are going to be changes made, if the bill is going to be marked up, it would be very helpful to indicate that the application can be filed before departing the foreign residence.

In that case, we would have a compromise that would bring a measure of justice immediately to individuals and, after all, that's the highest quality of justice. Second, I do think we need to face the issues of transmissibility of citizenship. Those were covered at some length last time around. I don't propose to do more today than to remind this subcommittee that both political parties, through their overseas branches, are strongly in favor of removing to the greatest extent possible residence requirements in connection with transmission of citizenship.

Mr. Chairman, those who are asking to have their citizenship recognized are a curious group in many respects. For reasons that are varied, that extend all the way from working for the U.S. Government or working for the U.S. economy or having been students and teachers and stayed on, all the reasons that one could imagine in human life, they choose to be outside the United States and, yes, they choose to maintain their citizenship.

They choose to assert their rights. I suggest there is no valid reason for denying that to them in modern days when it is so simple to provide that recognition. We hope, therefore, that this legislation will be passed, but we do hope you'll be asking us back again to deal with the more important long-range issue.

Thank you.

Mr. MAZZOLI. Thank you very much, sir. Appreciate it.

[The prepared statement of Mr. Alegi follows:]

TESTIMONY OF
PETER C. ALEGI
PRESIDENT
FEDERATED LEAGUE OF AMERICANS AROUND THE GLOBE (FLAAG)
BEFORE THE HOUSE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON INTERNATIONAL LAW,
IMMIGRATION, AND REFUGEES
MARCH 10, 1993

Mr. Chairman, I appear today on behalf of FLAAG, the Federated League of Americans Around the Globe. We are the largest organization which engages solely in representation of the interests of overseas Americans. As you know, there is no census or registry of United States citizens who reside abroad, but it is estimated that the number is 3,500,000 civilians.

The largest organizational members of FLAAG are Democrats Abroad (of which I am the International Chairman) and Republicans Abroad. The cooperation between the two parties began as a bi-partisan effort to encourage expanded voting rights some 20 years ago. The success of that effort eventually led the two major parties to seek a broader, nonpartisan basis for presenting to Congress and to all America the claims of overseas Americans for justice in many areas of their lives.

During the past year FLAAG has presented a series of monthly commentaries on issues of importance to American overseas, chiefly through a special one-page topical supplement published once a month in the *International Herald Tribune*.

This series, published in space contributed by MCI, the international communications company, seeks to present the various problem areas in as documented a manner as possible. As part of our encouragement of voting, we invited both major presidential candidates to present open letters to Americans overseas, outlining their positions. The letters from Messrs. Bush and Clinton were very instructive and helped get out a record overseas absentee vote.

The eight supplement issues led to a very heavy response to FLAAG from overseas Americans. The issue which produced by far the greatest response was the first issue dedicated to citizenship rights. Because of the timely presentation of H.R. 783, we revisited the citizenship subject in our last supplement, copy enclosed. We received a deluge of letters adding to the case histories which have been put before this subcommittee and others in the past. Most letters contained a plea for assistance, combined with a question which can be paraphrased as follows: Why is my country doing this to me?

Most citizenship problems seem to arise when Americans go abroad either directly involved in U.S. programs which lead to their remaining overseas in a private status, or where they are engaging in commercial, professional, or similar activities which are absolutely in the interest of the United States. As the United States becomes more involved in overseas economic activities--our still inadequate level of exports has trebled during my professional life--more problems arise which cry out for a solution.

FLAAG supports in principle H.R. 783, based upon the hope that the facilitation of naturalization which is a main aim of this bill will enable many victims of our current overly restrictive citizenship legislation to acquire United States citizenship without being required to meet extraordinary expense and discomfort.

We will deal first with section 4 of the bill, naturalization of children on application of a citizen parent. Two different factual situations are examined, having in common the requirements that one parent be a U.S. citizen by birth or naturalization, the child be physically present pursuant to lawful admission, be under 18 years, and in the legal custody of the citizen parent. In the case of an adoptive parent, adoption must have occurred before the age of 16 years. This section uses the measuring rod heretofore found in citizenship transmission provisions as a device for determining the available procedure for acquiring citizenship.

In the first circumstance, if the parent has not met the physical presence requirement, the child must be residing permanently in the United States with the citizen parent in order to apply for a certificate of citizenship. This provision is essentially a saving clause for existing law once Section 341(c) is repealed.

The second circumstance is the heart of this legislation. It deals with Americans who live abroad and, along with their children, have no immediate intention to reside in the United States. In this situation, the draft Bill looks back to an earlier generation and permits the grant of a citizenship certificate without any requirement of permanent residence, provided that a grandparent ("parent of the citizen parent") has been physically present in the United States or its possessions for five years, at least two of which after the age of 14 years.

Likely attachment to the United States is assumed because of two generations of demonstrable involvement with the United States, one with physical presence of a grandparent and the

other case by citizenship of a parent of the child to be naturalized. The assumption certainly seems reasonable and provides a commendable basis for proceeding to a grant of citizenship.

FLAAG recognizes that there is a strong element of compromise in the proposal, which certainly does not meet the chief requests of overseas citizens. The bill will, if certain procedural aspects are clarified, enable a very high percentage of those currently denied citizenship to become citizens without waiting until Congress again takes up the thorny issue of transmission of citizenship directly by an American citizen parent to offspring.

However, this compromise measure will be of value only if it is available in practice to those who need it. The expense of international travel for a parent and one or more children involves significant cost. The process may involve temporary housing costs, the loss of income from interruption of overseas employment, and otherwise demand personal sacrifices.

Such a provision will work only if it is on a one-stop basis. The potential beneficiaries must be able to choose a time when, with minimal cost and family disruption, they can embark upon the acquisition of citizenship by a trip to the United States, certain that if they meet the statutory conditions, they will not be impeded by bureaucratic processes from obtaining a certificate of citizenship during one trip.

In our reading of Section 322(a), it seems that one may apply to the Attorney General for a certificate of citizenship before coming to the United States. The new language certainly would appear to permit the citizen parent to gather and forward the necessary proof of the existence

of the statutory conditions. The documentation required is extremely simple, with the possible exception of demonstrating periods of physical presence in the United States by the grandparent. It would be most logical for the Attorney General to designate U.S. consular offices to receive and make a preliminary determination outside the United States. This would permit problems to be sorted out and determinations to be promptly communicated. Travel could be based on letters issued by the consular officer. The parent can then indicate a proposed date for meeting the physical presence test so that the administration of the oath can take place by appointment.

It is essential that the intention to facilitate naturalization in the most practical terms of a one-stop process should appear clearly as a matter of legislative intent. It would be preferable, of course, if the legislative circumstances so permit, to insert express language instructing the Attorney General to accept applications from abroad and to make determinations even before the interested party has arrived in the United States.

It would be a sad mockery if those whose attachment to the United States is so great that they strive for citizenship in difficult circumstances were offered legislation which could only be used at great cost and with difficulty. We ask the subcommittee to make it crystal clear that it is intended to provide citizenship on one visit to the United States.

Turning briefly to other sections of the Bill, FLAAG supports without reservation the provision for equal treatment of women contained in Section 2, and the expanding

waiver provisions of Section 3. The elimination of gender discrimination should, in the year 1993, need no comment in these halls.

The waiver provision merits particular support; its humane aspects must be appreciated. Although it does not directly relate to those of us who live overseas, of course some of the individuals who will benefit by this provision are close relatives of many of us living overseas.

Section 5 grants equal treatment to individuals who were simply born too soon and heretofore have been denied the benefit of the provisions of laws adopted in 1978.

We would like to emphasize to our representatives and in particular this subcommittee that Americans overseas believe the time has come for a change in the legislative attitude towards citizenship of our children. It has been suggested to us that it is not wise to support the pending legislation because the improvement in naturalization procedures will, by clearing up a backlog of sad individual cases, diminish the pressure for the reform of the citizenship law itself and will therefore damage our struggle for a more modern, progressive and generous view of the transmission of citizenship. FLAAG has decided to support this Bill because justice only exists as applied to people. We can and must seek a more ample measure of justice in the future, but our principled support of change in the law of citizenship cannot lead us to reject this opportunity to help an estimated 50,000 children who think they are Americans, who are dealt with by their societies as Americans, who love this country as Americans and who should be American citizens. If we can provide them with a practical way in which to express their deepest feelings about the United States, we must do so.

By no means does our support of H.R. 783 involve an abandonment of the larger issue. We will come back to Congress as often as necessary to seek an acceptable basis for permitting the transmission of citizenship. We will provide you with more information concerning the standards being used by our friends in Western Europe and elsewhere; we will remind you time and again of the irony of bestowing citizenship upon a child born by accident (although usually well-planned) in the United States while denying citizenship to the children of American citizens who live overseas. We recognize the need for a standard, and the need to develop an eventual system for a cut-off clause on United States citizenship after a certain number of generations and in specific factual situations. The present law is unsatisfactory and we will use our hard-won absentee voting rights--exercised in greater number this past November than ever before--to express our pleasure with those members of Congress who support our cause.

Speak Out Now On Citizenship Bill

INTERNATIONAL HERALD TRIBUNE, SATURDAY-SUNDAY, MARCH 6-7, 1993

An estimated 50,000 children born overseas to one American parent may soon have the opportunity to be naturalized with less difficulty. A bill introduced by Representative Romano (Ron) Mazzoli, Democrat of Kentucky, called H.R. 783, would in certain cases enable Americans overseas to naturalize a child born or adopted abroad without their having to move back to the United States.

FLAAG

FEDERATED LEAGUE OF AMERICANS AROUND THE GLOBE

Supporters of the bill encourage a one-stop process. The parent and child would make a single trip to the United States for the naturalization, including the child's taking an oath of loyalty to the United States and renouncing ties to other countries.

Other provisions would confer about 3,000 individuals born between 1934 and 1952 to retroact the U.S. citizenship stripped from them when they were teenagers or young adults for having to swear the U.S. residency requirements of previous laws.

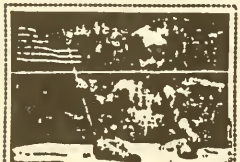
Representative Mazzoli, chairman of the House Judiciary Subcommittee on Immigration, Refugees and Law Enforcement, introduced the bill on February 11. Its chances of passage are considered good.

FLAAG, pressed for a response to any issue of the U.S. passport requirements for documentation of citizenship (the current requirement is five years, of which four must be after the age of 14), Congress maintained reluctance to ease the rules to transmission of citizenship and the subcommittee declined to reopen the U.S. passport requirements.

Administrators of overseas citizens aid, however, were quick to agree with the subcommittee's recommendations to the 1992 proposal was related to child citizenship and familiar constitutional principles. Unfortunately, the proposal did not pass in 1992.

Administrators Mazzoli and his staff, was established Senate Representatives Howard Berman, Democrat of California, and Mike Synar of the Judiciary Committee, has been sensitive to persons born to carry to pass on the proposed bill. The bill was [text on Pg.]

The proposed amendments represented certain



Help me carry my flag. Clip and send me mail your letter to Congress.

Use the following addresses:

(Name of Senator)
U.S. Senate
Washington, DC 20510

(Name of U.S. Representative)
U.S. House of Representatives
Washington, DC 20515

portions, of a grandparent requirements (even though an intent) during the physical presence requirements of five years, two of them after the age of 14 there would be no requirements that the child returned to residence in the United States for permanent residence (a the child). It would be sufficient that the child be present in the United States "pursuant to lawful admission," that the person apply to the Attorney General for a naturalization of citizenship and that the child started for take the oath of citizenship (unless barred due to minor age).

The drafter's intent to give preferential treatment to a child whose contacts with the United States began back far in time was questionable in practice. The offspring of active engaged to be born overseas could use his first debate by taking up permanent residence.

In discussions with congressional staff, overseas citizens have raised the issue of the length of stay to naturalize the process. Many parents say to enable at working to enable them time for or re-assist to the United States for a long period while businesses/professions are completed. A one-step process is the goal, ideally taken by changing the proposed bill as by clear naturalization by subcommittees of to legislative intent. Some possible steps include:

• Preserving the current program to forward the application to the Attorney General for consideration prior to the U.S. visit. Upon approval, a favorable appreciation for taking the oath can be made with a delegate of the Department of Justice employee on the United States.

• Preserving the child to take and subscribe the oath of allegiance on a considered basis, to become effective on approval of the application.

Because the bill stems from a compromise in the last term, it is very possible that amendments will be considered to that event, every effort should be made to avoid legislative necessary amending as to retroact to adult citizenship.

H.R. 783 would also restore U.S. citizenship to those U.S. citizens at birth who, under prior law, lost their citizenship because they did not meet U.S. physical presence requirements. There would be no need to file an application for naturalization. To regain citizenship, these persons would need only to take an oath.

As a matter of principle, many Americans living overseas feel entitled to press for a reduction of the physical presence requirements for transmission of citizenship. The attempts stand to harden (they should be more and more restrictions on a certain adults to pass on citizenship and, if so the Congress formally believes have the presence test may be removed.

FLAAG believes that there should be some additional reservations adopted transmission of citizenship by an American married to a foreigner. The passage of some bill and Congress offers an opportunity to address the overwhelming segment of hardship cases that have been produced by the current retrogressive legislation, which dates back early to 1940. We thereof are support H.R. 783.

The main requirements to approve, a to amend. The most permissive amendment the most likely problem of being determined government, and would also affect those Americans acquiring U.S. citizenship. While overseas both taking would greatly simplify the proceedings, there is strong opposition to challenges to changing that requirement. It is probably that proposed work talking will become a reality in the near future.

We recognize that certain objections can be made to the suggested legislation. First, not everyone can afford to return to the United States. A trip for to true two fastest members can be burdensome. Furthermore, a visit database take longer to enforce a meaningful implementation of the citizenship law once the process has been reformed, as many of the severe hardship cases had to proceed as practical cases under the proposed legislation.

In addition, nonetheless, as a completely valid voting participation for the question of consular-born citizenships. Only a select-born citizens of the United States has become president. A consular-born citizens should be deprived of citizenship but can be judged to have responsibilities of consular posts. The government has statutorily recognized that a citizen born abroad is entitled to citizenship by virtue of birthright to nationality to avoid as precedents as a matter of governmental policy. Furthermore, a consular-born citizen may avail himself of citizenship under today's rules, but a person having naturalized does take to seek to renounce all other citizenships, and to a reason may neither lose of nationality to avoid inconvenience.

FLAAG believes that bill be for an improvement to improve the lot of many American families overseas. It is not perfect, but it is a monumental chance to improve matters. It deserves strong Congressional support.

Representatives Mazzoli and Berman and Senator Edward Kennedy, Democrat of Massachusetts, are long-standing supporters of the citizenship rights of American overseas. Senator Alan Simpson, Republican of Wyoming, the ranking minority member of the Senate Judiciary Subcommittee on immigration and Refugee Affairs, even used to his concerned of the proportions of the legislation.

A hearing on the bill has been scheduled for March 10, one of the earliest hearings for the 103rd Congress on legislative matters.

This year, there is an important new player at the game, whose support is essential, in an open campaign letter to Americans abroad on this issue. FLAAG/MCI-sponsored page in September 1992, Bill Clinton wrote: "There are many things we can do administrative to help Americans abroad. We will make it easier for you to pass citizenship on to your children."

Since President Clinton is in favor of our common goal, the current period revolution before Congress would seem to have no hardship. The bill is a step forward and FLAAG urges to Americans residing overseas — even those who have an unfortunate problem relating to their family circumstances — to take immediately to Representatives Mazzoli and Berman and Senators Kennedy and Simpson and the U.S. Representatives and Senators from states to which they are eligible to vote, to urge their support of prompt passage of H.R. 783.

Peter C. Alop
Coordinator, FLAAG

Draft Bill - H.R. 783, Sec. 4

CHILD BORN OUTSIDE THE UNITED STATES APPLICATION FOR CERTIFICATE OF CITIZENSHIP REQUIREMENTS

SEC. 322. (a) A person who is a citizen of the United States may apply to the Attorney General for a certificate of citizenship on behalf of a child born outside the United States. The Attorney General shall issue such a certificate or a citizenship upon proof to the satisfaction of the Attorney General that the following conditions have been fulfilled:

(1) At least one parent is a citizen of the United States, whether by birth or naturalization.

(2) The child is physically present in the United States pursuant to a lawful admission.

(3) The child is under the age of 18 years and in the legal custody of the citizen parent.

(4) If the parent is an adoptive parent of the child, the child was adopted by the parent before the child reached the age of 16 years.

(5) If the citizen parent has not been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years—

(A) the child is residing permanently in the United States, with the citizen parent, pursuant to a lawful admission for permanent residence; or

(B) a parent of the citizen parent has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

(6) Upon application by the person, the child shall become a citizen of the United States.

(c) ... [illegible] ... parent if the conditions described in such subsection have been fulfilled.

FLAAG wishes to hear from all U.S. citizens including nonmembers. Of course, we hope you will become a member of FLAAG to help us represent your interests. It is by grouping through numbers that we can become more effective. Please let us hear from you. Send in the coupon and become a FLAAG member today.

Mr. MAZZOLI. Before we move on to Ms. Gold, may I recognize and welcome our newest member, the gentleman from California, Mr. Becerra.

We have a little piece of housekeeping business.

[Whereupon, the committee proceeded in executive session.]

Mr. MAZZOLI. Thank you very much, Ms. Gold, and we recognize you.

STATEMENT OF ROSALIND GOLD, SENIOR RESEARCH ASSOCIATE AND DIRECTOR OF PROGRAM OPERATIONS, NATIONAL ASSOCIATION OF LATINO ELECTED AND APPOINTED OFFICIALS

Ms. GOLD. Good morning. Chairman Mazzoli, subcommittee members and invited panelists, I'm Rosalind Gold. I'm a senior research associate with the National Association of Latino Elected and Appointed Officials, and I'm appearing on behalf of Dr. Harry Pachon, our national director. I'd like to thank you for inviting us to testify this morning.

NALEO is a national, nonprofit, nonpartisan organization that focuses on issues that have an impact on the Nation's growing Latino community. Through our civics affairs research program and through our civic action activities, we've conducted U.S. citizenship community workshops and we've also operated a toll-free information hotline that's been called by over 250,000 callers.

We've learned a lot about the attitudes of immigrants toward U.S. citizenship and their experiences as they proceed through the naturalization process.

Nationwide, there are currently about 10 million adult noncitizens who cannot fully participate in this Nation's civic life. We believe that greater naturalization is critical to bringing these newcomers into our society and making our democracy more vital.

I'd like to first focus on the provisions of section 3 of H.R. 783 and then I would like to discuss some of our general recommendations on U.S. citizenship promotion and assistance.

With respect to the provisions of H.R. 783, NALEO generally supports the idea of taking developmental disability into account when determining whether or not a U.S. citizenship applicant must demonstrate English language proficiency to naturalize.

I'd like to tell you a story about a very determined and very dedicated young immigrant, Graciela Martinez. Ms. Martinez is 26 years old and she has Down's syndrome. Through special education classes, she has learned to speak and understand English and she can answer basic questions about government and history, like "Who is the President of the United States?" and she has a general understanding of what it means to live in a democracy.

But because of her developmental disability, she cannot write in English. She has attempted to apply for naturalization, but because of this disability and her inability to write, she has not been able to complete the naturalization process.

Ms. Martinez comes from a family where all the members are naturalized citizens and she can't understand why she's the only one who isn't permitted to become a U.S. citizen. We believe that just as current law gives some consideration to physical disability in granting a waiver from the English proficiency requirements for

naturalization, that the developmental disability of dedicated immigrants like Ms. Martinez should also be taken into account.

Additionally, we do support some expansion of the waiver of the English language requirement for elderly immigrants, particularly those who are over 65 with a lengthy permanent residence that is less than 15 years. Many of these older immigrants want to become U.S. citizens and they have some understanding of English, but they are fearful and anxious about conducting the interview and civics examination in English.

For some of them, certain cognitive obstacles to learning a second language at an older age can prevent them from obtaining a sufficient level of English proficiency to meet the INS examiner's expectations. Yet many of these older immigrants are committed to making the United States their home. They've served as heads of their families and they've served as role models in their neighborhoods and their communities.

They've contributed to the economy by holding jobs and paying taxes. If these immigrants don't qualify for the 50–20 or 55–15 waivers that are currently in the law, they may not become U.S. citizens. And we think that permitting these 65-year-old immigrants with some lengthy residence that's less than 15 years to take the interview and civics examination in their native language would benefit one of our society's most valuable resources, which is our older permanent residents.

With respect to our other recommendations, we believe we have a critical opportunity this decade to increase naturalization among our Nation's eligible newcomers, particularly in the midnineties when many of the 3 million immigrants who obtained permanent residency through the Immigration Reform and Control Act's legalization program start to become eligible.

Through our research and civic action, we have found that only one-third of eligible Latino immigrants naturalize. Of the remaining two-thirds, many of them don't even know of the opportunities of U.S. citizenship and many others have initiated the process, but face daunting delays and confusing bureaucratic procedures when they try to complete it.

To reach these legal immigrants, we propose several recommendations. First, we believe that naturalization application fees should be frozen at their current levels until INS financial management is improved. This fee, which prior to December 1989, was basically zero dollars, has risen to $90 in the last 3 years and it's really imposed an onerous financial burden on immigrants of limited resources.

In light of recent concerns raised in a General Accounting Office report about INS use and recording of its fee revenue, we believe that legal residents who are ready to become Americans by choice shouldn't be required to pay increased fees to a bureaucracy which is experiencing difficulties in adequately managing its funds.

In addition, with respect to the INS bureaucratic process of naturalization, we recommend that action be taken to eliminate application processing backlogs through the reassignment or reallocation of adjudications and examinations personnel. In some INS districts, such as Los Angeles, it currently takes over a year from the time

when you first submit your naturalization application until the time when you're finally sworn in as a U.S. citizen.

We also recommend that the INS simplify the form N–400 and streamline the bureaucratic process. We've all been talking about bar exams. I'm a Harvard law graduate. I have a form N–400 right here and I myself find this very daunting and confusing, even though I've worked with it a lot. Think how much more so it must be to immigrants who have English as their second language and do not have the education or income resources.

Finally, under current law, the INS has a statutory mandate to promote the opportunities and responsibilities of U.S. citizenship among immigrants. Under section 332(h) of the Immigration and Nationality Act, funds are authorized for this purpose, but none have yet been appropriated. We recommend that this subcommittee ask the INS whether funds for this purpose have been included in its budget.

Additionally, we believe that the INS should mount an extensive U.S. citizenship outreach campaign, particularly targeting its promotion efforts to areas with high concentrations of the newly legalized and noncitizen permanent residents.

In conclusion, we believe that this country has a tradition of promoting U.S. citizenship among its earlier wave of immigrants and we think it's time to renew our commitment to our democracy by making citizenship accessible to our latest waves of newcomers.

Thank you.

[The prepared statement of Dr. Pachon follows:]

National Association of Latino Elected and Appointed Officials
... and the people who support them

NALEO Board of Directors
Hon. Edward R. Roybal
Member of Congress
President, NALEO
Alex Armendaris
American Association of
Retired Persons
Rudy Becerra
Coca-Cola Company
Henry G. Cisneros
Cisneros Asset Management Co.
Hon. Angelo Del Toro
New York State Assembly
Rita Di Martino
AT&T
Arnold Flores, Pres
A.F. Enterprises
Hon. Jesus G. Garcia
Councilman
City of Chicago
Hon. Gloria Molina
Supervisor
County of Los Angeles
Hon. Solomon Ortiz
Member of Congress
Hon. Edward Pastor
Member of Congress
Hon. Bill Richardson
Member of Congress
Hon. Ileana Ros-Lehtinen
Member of Congress
Hon. Ray G. Sanchez
Speaker, New Mexico
House of Representatives
Hon. Esteban Torres
Member of Congress
Hon. Gaddi Vasquez
Supervisor
Orange County, California
Hon. Mary Rose Wilcox
Supervisor
Maricopa County, Arizona
Harry P. Pachon, Ph.D.
National Director
NALEO

U.S. Citizenship Hotline
(800) 44-NALEO
California:
(800) 34-NALEO

Harry Pachon, Ph.D.
National Director
National Association of Latino
Elected and Appointed Officials (NALEO)
and Kenan Professor of Politics
at Pitzer College in Claremont, California

Before the House Committee on the Judiciary
Subcommittee on International Law,
Immigration and Refugees

Wednesday, March 10, 1993

Chairman Mazzoli, Subcommittee members and invited panelists, the National Association of Latino Elected and Appointed Officials (NALEO) welcomes the opportunity to testify before this Subcommittee on H.R. 783, the "Nationality and Naturalization Amendments of 1993," and other related naturalization issues.

NALEO is a non-profit, non-partisan civic affairs research and action organization that focuses on issues that have an impact on the nation's growing Latino community. NALEO's constituency includes the more than 4,900 Hispanic elected officials nationwide, with representation from all segments of the Hispanic community.

During the last eight years, NALEO has been

☐ 3409 Garnet Street
Los Angeles, CA 90023
(213) 262-8503
Fax (213) 262-9823

☐ 514 C Street, N.E.
Washington, DC 20002
(202) 546-2536
Fax (202) 546-4121

☐ 3645 West 25th Street
Chicago, IL 60623
(312) 277-1440
Fax (312) 277-1015

☐ 545 Eighth Ave., 11th Fl.
New York, NY 10018
(212) 868-2711
Fax (212) 868-1737

undertaking an ambitious research and demonstration project on naturalization and U.S. citizenship promotion and assistance. As part of its unique project, NALEO has conducted community workshops in Southern California, Chicago and New York, which together have assisted over 7,000 immigrants in becoming U.S. citizens. NALEO has also operated a toll-free U.S. citizenship hotline which has received over 250,000 calls in 7 years. NALEO's hotline has provided basic information on U.S. citizenship to people from more than 86 countries of origin. As importantly, NALEO's U.S. citizenship workshops and hotline have given us at NALEO an understanding of the problems encountered by immigrants when they make the decision to become U.S. citizens.

Additionally, NALEO's groundbreaking naturalization research has complemented its civic action program. NALEO conducted the National Latino Immigrant Survey (NLIS), the first nationally representative survey of Latino immigrants who are eligible to become U.S. citizens, where NALEO examined the obstacles which immigrants surmount as they initiate and complete the naturalization process.

Today, as this Subcommittee knows, there are more than 10 million legal immigrants living in the United States who are not fully participating in the civic life of this nation because they are not U.S. citizens. By the mid-90's a majority of the nation's non-citizens will be eligible to naturalize, including the three million who received permanent residency

through the legalization program of the Immigration Reform and Control Act of 1986 (IRCA).

While these legal residents, work, pay taxes, contribute to the economy, raise families, and serve in the armed forces, they are not fully a part of our society because they have not yet become U.S. citizens. They cannot vote or serve on grand juries, they are barred from certain government and private sector jobs, and they cannot fully participate in the Social Security program they are paying into.

Mr. Chairman, I would like to first focus my comments on the provisions of H.R. 783 relating to the waiver of the government knowledge, United States history and English language requirements for naturalization. I would then like to discuss my views on U.S. citizenship and some recommendations on the promotion of naturalization nationwide.

Waiver of the U.S. Civics and English Language Requirements for Naturalization

Mr. Chairman, I would like to start by noting that NALEO supports the idea of taking the developmental disability of a U.S. citizenship applicant into account when determining whether he or she will be required to demonstrate the ability to read, write and speak English as part of the naturalization process. Under current Immigration and Naturalization Service (INS) regulations, a person who is physically unable to comply with the English literacy requirements due to a permanent physical disability is not required to demonstrate English

language proficiency during the naturalization process. However, those regulations specifically state that applicants with a general incapacity to learn due to developmental disability or advanced age will not ordinarily qualify for the waiver available to physically disabled applicants.

I would like to tell you about a very determined young immigrant in Southern California named Graciela Martinez who we met through one of our U.S. citizenship workshops. Ms. Martinez is 26 years old and has Down's Syndrome, yet she has learned to speak English with the help of special education courses in this country. She can also answer basic questions about U.S. government and history, including "Who is the President of the United States?" However, although she has applied for naturalization, she has not been able to complete the process, because she cannot write in English as a result of her developmental disability.

Ms. Martinez comes from a family of naturalized citizens; she very much wants to demonstrate her commitment to this country, and she cannot understand why she alone among her family members cannot become a U.S. citizen. We believe that just as current law gives some consideration to physical disability in determining whether naturalization applicants will be required to demonstrate English literacy, the developmental disability of dedicated immigrants like Ms. Martinez should be taken into account. Moreover, this type of waiver is not uniqué in immigration law. The regulations

promulgated under IRCA's legalization program generally required applicants for permanent residency to either satisfy certain educational requirements or demonstrate English language and U.S. civics proficiency. However, the IRCA regulations provided a waiver of this requirement for the developmentally disabled.

Additionally, NALEO supports some expansion of the waiver from the English language proficiency naturalization examination requirements for older immigrants. In the early 1950's, a naturalization provision was enacted which exempted people older than 50 who have been permanent residents for 20 years or more from the requirement of demonstrating English proficiency. Additionally, these immigrants were permitted to demonstrate their knowledge and understanding of U.S. civics in their native language. The Immigration Act of 1990 granted this waiver to people over 55 years of age who have also been permanent residents for 15 years or more. These waivers (often referred to as the "50-20/55-15 rule") have been very beneficial to many older permanent residents.

NALEO believes that this waiver should be expanded to include another segment of older residents by permitting people who are older than 65 and have some lengthy permanent residency that is less than 15 years in this country to take the naturalization test in their native language.

Certainly many of the older residents that would benefit from an expansion of this waiver may have a limited

understanding of English, and they may be more comfortable taking the test in their native language. Many of the older callers to our hotlines say they are nervous about the interview process, and their anxiety is compounded by their limited English skills. If they do not qualify for the 50-20/55-15 rule, they may not become U.S. citizens. Our nation's older residents deserve better treatment. Some of these people are currently enrolled in classes. Certain cognitive obstacles to learning a second language at that age may prevent the elder resident from ever obtaining a sufficient amount of English to meet the INS examination requirements. Expanding the 50-20/55-15 rule would benefit a pool of people that the United States considers to be a valuable resource -- our older residents.

Other Recommendations Regarding U.S. Citizenship

Finally, I would like to recommend some positive policy changes that this Subcommittee should consider as it examines the naturalization process. These changes would address a few problems that currently exist within the naturalization program.

Naturalization Application Fees

In December 1989, as part of an effort to make recipients of "special government" services or benefits pay for the services they receive, the INS began charging $60 for the filing of a Form N-400, the naturalization application. In April 1991, this fee was increased to $90. NALEO opposed both

the implementation of the fee and its increase because we believed that it would discourage applicants for U.S. citizenship at a time when our national interest would greatly benefit from increased naturalization. Legal immigrants who naturalize are motivated by a desire to demonstrate their commitment to this country, and when they gain the right to vote, and participate in the political process, our democracy becomes more representative and vital. Greater naturalization also makes a wider group of skilled and talented workers available in our workforce for positions that are barred to non-citizens.

Moreover, we believe these fees continue to impose a prohibitive financial burden on countless immigrant families. According to NALEO's NLIS, nearly one-half of all Mexican immigrant households have yearly incomes of less than $15,000.

In addition to their application fees, many immigrants incur substantial expenses in completing the naturalization process - they pay fees for counseling, photographs, and fingerprints, as well as English and civics educational services. These combined costs have put naturalization beyond the reach of many immigrant families.

Our concerns about the naturalization fees have been exacerbated by a January 1991 General Accounting Office (GAO) report which raised critical questions about the INS management of immigration user fees. The report noted that the

INS used funds from its fee account to cover shortfalls in appropriated funds after spending increased appropriations on enforcement activities. Its failure to use those fee account funds to enhance its adjudications and naturalization services was found to be inconsistent with Congressional intent and expectations that user fees would be used to strengthen those service areas. Moreover, according to the report, the INS did not maintain accurate records identifying how fee revenue was spent, which made it difficult for the GAO to determine whether the revenue had been spent for required purposes.

In light of the concerns raised about the INS' use of its fee revenue, as well as the financial burden the fees impose upon immigrants who are considering naturalization, we recommend that naturalization application fees should be frozen at their current level until INS financial management is improved. Legal residents who are ready to become Americans by choice should not be required to pay increased fees to a bureaucracy which is experiencing difficulties in adequately managing its funds.

Streamlining the Process and Eliminating Backlogs

Permanent residents seeking U.S. citizenship are confronted with a set of bureaucratic obstacles that include unclear INS procedures and daunting delays. The INS continues to experience dramatic backlogs in its processing of applications; in districts such as Los Angeles, where there are high concentrations of immigrants, applicants can wait over a

year between the filing of their application and their swearing-in as a new citizen; in Miami and New York, applicants may wait 6-7 months before even being interviewed by an INS examiner. These backlogs can make a person who has been a permanent resident for five years wait for another year beyond their statutory timeline before receiving U.S. citizenship.

Moreover, as immigrants try to cross the "paper frontier" of a bureaucratic naturalization process, they are often confused or receive unclear information about the application form, the steps required to continue the process, and the documentation requirements. We found that almost 30 percent of the respondents to our NLIS initiated, but did not complete the application process. These applicants are permanent residents who are interested in becoming U.S. citizens, but end up in limbo because of confusion and lack of clarity surrounding the INS bureaucratic process.

Consequently, we recommend that the INS take immediate action to reduce current application processing backlogs by reassigning examinations staff from other INS areas to temporarily focus on naturalization, or by initiating task forces of examiners who would go into and focus their efforts on districts with heavy backlogs. Moreover, we believe that the INS should implement several actions to streamline the naturalization application process: it should simplify the application form; telescope the filing of the application, the INS interview and the swearing-in ceremony as close together as

possible; and ensure that applicants are kept clearly informed of each of the steps of the process, the length of time required for each step and the status of their application throughout the process. Immigrants do not need to show their commitment to our society by enduring delay and red tape - they have already done so by working hard and contributing to our society.

Promotion of U.S. Citizenship

Naturalization is not an automatic process. Just one-third of Latino immigrants eligible for U.S. citizenship have naturalized; of the remaining two-thirds, about half have not initiated the process. NALEO's NLIS documents that fear and confusion about the INS' administration of the program, particularly the naturalization examination, and a perception that there are no benefits of naturalization are among the most important reasons non-citizens cite for not becoming U.S. citizens.

Today, there is only minimal outreach and promotion by the United States to encourage permanent residents to apply for U.S. citizenship. Legal immigrants spend years, perhaps a lifetime for some, without being told about the opportunities of U.S. citizenship. Many would gladly take the step towards U.S. citizenship if the government and the INS were not so timid about its promotion.

Yet under current law, the INS has a clear mandate to promote U.S. citizenship among immigrants. Section 332(h) of

the Immigration and Nationality Act requires the INS to broadly distribute information about the opportunities and requirements of naturalization, and to seek the assistance of community groups and voluntary agencies in doing so. Section 332(h) also authorizes the appropriation of funds for this purpose, but no such funds have been appropriated. We urge that this Subcommittee ask the INS why it has not included these funds in its budget, and we recommend that the INS conduct an extensive outreach and promotion campaign on U.S. citizenship to fulfill its statutory mandate. As part of its efforts, the INS should redesign it materials and brochures, using welcoming attractive graphics, and simplified language. It should target its promotion efforts to areas with high concentrations of newly-legalized immigrants and permanent residents who have not yet naturalized, and it should ensure the outreach activities are culturally-sensitive for the national origin groups of immigrants in those areas.

Additionally, the INS currently has addresses for the immigrants who received permanent residency through the IRCA legalization program. It should use those addresses and conduct an outreach campaign to inform those immigrants of the date they are first eligible to naturalize, and provide them with the application materials. The implementation of this naturalization promotion campaign will help ensure that the newly-legalized, who completed the first and second steps

of the legalization program, continue on the path towards full civic participation by taking the "third step" of U.S. citizenship.

Conclusion

Mr. Chairman, U.S. citizenship is the often overlooked obstacle to social, political and economic advancement of law-abiding taxpaying permanent residents. Greater naturalization is in the national interest. Adding 10 million voters to our electorate would revitalize our democracy. Moreover, the promotion of U.S. citizenship is deeply embedded in American political tradition; this nation promoted U.S. citizenship in the 19th century and early decades of the this century. We believe it's time to renew this important commitment to this vital aspect of our democracy. NALEO is pleased that this Subcommittee is attempting to focus attention on U.S. citizenship; the expansion of waivers that will help make naturalization more accessible to the elderly and disabled can play a role in making U.S. citizenship accessible for all people.

Thank you for this opportunity to submit testimony.

Mr. MAZZOLI. Thank all three of you for excellent testimony, as usual, and we appreciate it. Just a couple of quick thoughts or comments more so than questions.

I thought it was interesting in your statement, Ms. Adler, you had talked about the kind of frustration which you feel personally and the people who live abroad feel who are U.S. citizens and married to U.S. citizens, about how you may not be appreciated or your contributions to the culture and to the advancement of U.S. interests are not always recognized.

I think maybe that's valid. I've never lived abroad, but I'm sure that's how you feel. But I think that situations might be changing a bit. I don't know whether or not you have in your 13 years in Paris felt differently as time has gone on as to whether or not you are considered a fullfledged U.S. citizen and a fullfledged part of this global effort or whether it's business as usual.

Ms. ADLER. I will give you my personal answer. With each passing year, I become more acutely aware of being an American. It's interesting to be a foreigner in another place; that is, we think of immigrants coming to America. The immigrant experience as an American overseas is one that I think is very unique. I think Americans abroad do a couple of typical things. They tend to organize. They tend to keep the American way of looking at things and the American way of doing business very much with them.

Rather than blend in, we are immigrants and Americans and proud of it. So to answer your question, it only gets better with time, if you will, Mr. Chairman. The whole reason that we continue to come here and talk to you about these issues is that we speak for hundreds of thousands, millions of people who care. If we and they didn't feel this way, why would we continue to ask for these changes?

Mr. MAZZOLI. Very interesting. Mr. Alegi, I know that we've discussed this before when you've been in this room a number of times about the general belief you have and that's fortified by the fact that it's represented by many, many other people living abroad.

That is that basically we should look to loosen and to lessen the requirements or rigid demands of the immigration law as far as conferring citizenship or transferring citizenship. We've discussed this a little bit from the context of people who may not be students of immigration law or foreign trade, or what have you, and the fact that they feel that U.S. citizenship is a very precious gift because it's a great country and to be affiliated with this great country is something that has a worth to it.

That worth could very well entail some responsibilities and some sacrifices, and that might entail not allowing people to live abroad generation after generation with having only, at best, a cursory or brief contact with this Nation, but to continue to deliver the benefits of voting and property ownership and protections and on and on by conferring citizenship in that way.

So maybe just for a second you could fill me in as to whether if you think it would be appropriate at some ultimate point to let people just completely live abroad and never have to come back home at all, period, and continue to confer citizenship and the rights thereof.

Mr. ALEGI. I think that's not my view today, as you may recall. But I think that that is the direction in which the world is moving. The United States in certain areas has been a leader, in certain other areas has been a pretty good follower.

One of the things that we've undertaken as part of FLAAG is to prepare a summary of the citizenship laws and, in particular, the changes with America's major trading partners, and we'll try to present that at an appropriate time.

But, for instance, a country that some of us know well, Italy, has, in the past, had fairly strict citizenship laws. As part of a reform that was studied for 4 or 5 years, 2 years ago, they decided that tracing your citizenship to one parent who had exercised—and we have some interesting ways in which to say how have you exercised your citizenship—would be sufficient to maintain citizenship.

I think that's probably where I'd like to see it go, because you're sort of inviting me to give my druthers. I think that rather than periods of time, we will look to factors; families, for instance. Think of the Chinese traders. If they stayed abroad for several generations basically working in the interest of the country, that may be a way in which one can get past it.

I do realize there is a need for some sort of cutoff, but I don't think at the level of one or two generations——

Mr. MAZZOLI. It shouldn't be years as much as activity. In other words, you would change the contact from so many hours or days or years here in the United States to the continued exercise of prerogatives of citizenship, a la voting or taking part, paying taxes or some such thing like that.

Mr. ALEGI. That's right. Paying taxes is one that we're well aware of.

Mr. MAZZOLI. Yes, because, of course, you understand there is a great deal of mythology about whether people living abroad pay taxes. The question is whether you can have citizenship and live abroad and not pay taxes. I'm saying it's mythology, but I'm saying that's what the fear is. That if you get too far away and then there's a certain insulation of people from their country and from the responsibilities of citizenship.

It's interesting, changing the stress from years to a certain level of activity.

Mr. ALEGI. I also think your emphasis is very important because what you're suggesting, and I think you're right, is that people overseas generally, until the last 5 or 10 years, have not taken the trouble to explain who they are, what their needs are. There are now a number of groups that are trying to do this and obviously we've got to overcome some bad press, some mythology.

I remember in the tax war going back to 1960, an American Ambassador in a tax haven heard an American bragging about what he was able to do to evade his taxes. I think those days are largely gone, but I think there is a burden on our part and I think it's particularly useful to have sessions such as this where we can—let's say get the reality across.

There are changes taking place and although we must come up here, it's our task to complain, to seek redress, as the Constitution says, I hope we don't ever give the mistaken feeling that we think we are being deliberately leaned upon by our Government. I think

we have not succeeded in all areas in communicating what our needs are and what perhaps our achievements are, but I think we're getting there.

It's a dialog that's improving greatly. It's not just flattery to say this committee's effort in citizenship is very important.

Mr. MAZZOLI. Thank you. Ms. Gold, I could not agree with you more about trying to eliminate backlogs and I haven't studied every comment you made, but as to that and also the promotion of citizenship and the advantages of people coming forward to claim citizenship or apply for it, how do you see—first, how do you see the reduction of backlogs? Obviously the first thing is money and people and there is never enough money to provide quite enough people.

Second, in the promotion of citizenship, how do you see that going? What steps would you——

Ms. GOLD. First of all, we think that, yes, you're correct, there aren't ever quite enough people and money to go around in terms of the elimination of backlogs. But there are some specific simple steps that currently could be taken, especially with respect to naturalization.

On a temporary basis, examiners or adjudication staffs could be reassigned into those districts that have particularly burdensome or long backlogs. Also, on a temporary basis, you could do a reassignment of some of the personnel. In Los Angeles, for example, they made a real concerted effort about a year or so ago to clear up some of the backlogs and they reduced the time from when you start to apply to when you get your interview down to 3 or 4 months.

Now, with the greater demand for naturalization, it's back up to 6 or 7 months. So, again, we can take some steps such as reassigning personnel or creating some special task forces of examiners on a temporary basis to deal with some of those backlogs.

With respect to the promotion of U.S. citizenship, again, we think that it is very crucial that the Immigration Service seriously take on the mandate that's in the law. The statute already states that the INS must promote those opportunities. As part of this campaign, for example, they could redesign their materials. Many of the materials and forms and informational items that are used aren't very welcoming. They don't have attractive graphics. They're not very accessible.

Many different districts in the INS have different promotional activities that they do on their own, and we think that some of those activities should be shared nationwide with other district directors. These activities include an INS official appearing in a local parade or an INS official going out to the community to make speeches.

We also think that there could be a public service announcement campaign that could be conducted. The opportunity with the newly legalized is especially important. These are the people who got their permanent residency through the legalization provisions of the Immigration Reform and Control Act and many of them will start to become eligible for citizenship in the midnineties.

But each of those immigrants has a very different date when he or she first become eligible for citizenship. They don't all fall on the

same date. One of the things the Immigration Service could do, since they have the addresses of the newly legalized, is to do a mailing to each person when that person is first eligible for citizenship. It could say, "You've been a permanent resident for 5 years, you're now eligible for citizenship, here's the materials, go ahead and apply."

Mr. MAZZOLI. Thank you very much. The gentleman from Florida.

Mr. MCCOLLUM. Thank you very much, Mr. Chairman. Ms. Adler, I wanted to address your concerns about section 301(g). Am I correct that under Mr. Mazzoli's bill and section 4 dealing with the child born outside the United States and application for certificate of citizenship requirements, that each of the children in your examples could be naturalized?

Ms. ADLER. Yes, that's true.

Mr. MCCOLLUM. So while there is a concern as to what happens automatically under section 301, there is relief available under our bill for that child in the situations you described.

Ms. ADLER. There is. There are two points I want to stress about that. One is that under current law, there is no way for an adopted child, to be American, unless the family moves back to the United States. Section 4 covers adopted and natural born children.

Second, your statement is true, Mr. McCollum. The important point to remember is how this provision would be implemented and I fully associate myself with the remarks of Mr. Alegi on the importance of administering it in a way that will work. We will have families with young children coming to the United States and having to be put up in hotels. If there are bureaucratic problems and delays, it will be enormously expensive, school schedules are missed, et cetera; there could be real problems.

It's a very delicate situation—we'd like to be assured and have some assurance that this is going to work for families abroad.

Mr. MCCOLLUM. I know, and we certainly don't want to pass something that doesn't work, either. But I think that until we see it enacted and see how the regulations are put into place and how the Government handles it, none of us are really going to know.

But I can assure you that I will work with Mr. Mazzoli and you to see to it that it does work. It's not designed to be an obstacle. It's simply designed to be a process.

Ms. ADLER. Of course. At the same time in so many cases, we understand that the INS has its own constraints and problems. If there is a breakdown in that mechanism, it's a very thin reed that all of this hangs on. This is why we want it well designed, and why we hope it will proceed excellently well.

The larger problem looms and if we could get that one fixed up——

Mr. MCCOLLUM. Let me readdress myself to 301 for a moment, because that's not what's in our bill and it's a whole comprehensive listing of who automatically becomes a citizen at birth.

I know we have not taken that up as a set of hearings to reexamine and what you're suggesting would be to make one of the provisions on that section identical with another. And the distinction you're trying to eliminate is the distinction between a child born of citizen parents where both are citizens and—actually, you're try-

ing to eliminate the distinction where one is a parent who is a citizen.

Ms. ADLER. That's the problem: When one parent is a U.S. citizen and the other is not.

Mr. MCCOLLUM. And one is not a citizen. That's what you want to eliminate the distinction between. Although there are actually three situations in the INA. I see another one. I see one where one parent is not a citizen of the United States and that situation is treated differently, too. There are three different categories in here, as I read it. I was just looking at 301, not (g), but (a), (b), (c), (d), (e), (f), and (g). There are all kinds of differences in there, all kinds of shades. It's not just black and white.

I would submit we maybe ought to look at the whole thing in toto rather than trying to pick apart one section of it at a time, if we choose to examine it. I'm sure there is a good rationale for most of what's there. There had to have been one to begin with.

But in the meantime, our bill does address immediate relief, anyway. Mr. Alegi, comment on that?

Mr. ALEGI. It does, but it could be a sure thing with the addition of no more than two words after the word "application." My math isn't very good. Maybe it's four words, "which may be filed abroad," because care has been taken in (b), on page 6 of the draft bill, line——

Mr. MCCOLLUM. I don't think we'd have any problem putting those words in. Would you, Mr. Chairman?

Mr. MAZZOLI. I would not.

Mr. MCCOLLUM. We wouldn't have any trouble. We're already agreeing to put those words in.

Mr. MAZZOLI. So if I understand correctly, and I agree, what you want is to begin the processing abroad, get most of the glitches out of it; if there are any bugs, have them debugged while you're abroad, living where you're living. And when everything is more or less approved, then you fly to New York or wherever you're going to fly, spend 1 day, 2 days, 10 days, whatever it is, get it done, and then you're able to go back.

But you don't have to suffer the problems that could arise if there were some bureaucratic snarl.

Mr. ALEGI. That's exactly right, Mr. Chairman. We've spoken with the Consular Bureau, for instance. The Consular Bureau has no problem whatsoever with that approach. But there seems to be no one around from INS to speak.

Mr. MCCOLLUM. OK. Let's just do it. I don't see why we can't do that.

Mr. MAZZOLI. It's a 1-day proposition. I mean, I'm not sure of that, but at least we could have as much humanly done ahead of time as we can.

Mr. MCCOLLUM. But if we could put in the statute the words you said, "which may be filed abroad," that would be satisfactory, probably.

Ms. ADLER. It would certainly help. I would ask for the opportunity to keep this dialog open and perhaps we could all actually go back, if we have the chance now, and work with you in really redrafting it.

Mr. MCCOLLUM. We're not going to foreclose anything. We're not marking a bill up today. Thank you, Mr. Chairman.

Mr. MAZZOLI. Thank you very much. The gentleman from California.

Mr. BECERRA. Mr. Chairman, I have no questions.

Mr. MAZZOLI. Thank you very much. Panel, let me thank you all very much for excellent testimony. As we mentioned to the earlier panel, we may very well send questions to you. It's been a good hearing because we've had some positive results from our discussions.

So if you have any other thoughts we would appreciate having them and our staff will look into them. Thank you very much and the committee stands adjourned.

[Whereupon, at 11:15 a.m., the subcommittee adjourned, to reconvene at the call of the Chair.]

APPENDIX

NEWS RELEASE FROM AMERICAN CITIZENS ABROAD

TODAY
U.S. LAW FORCES
UNCLE SAM TO WELCOME
SOME AND REJECT OTHERS

LET'S MAKE 1993
THE LAST YEAR THIS EVER HAPPENS
TO ANOTHER AMERICAN CHILD

American parents living overseas hope that the 103rd Congress will enact legislation guaranteeing to all American children the right to be a U.S. citizen at birth. They would like to be assured that 1993 will be the last year that any American child will ever be born stateless. No action would be more in keeping with the highest traditions of American respect for human rights for everyone.

American Citizens Abroad
157 Route du Grand-Lancy - 1213 Onex, Geneva, Switzerland - Tel. (41-22)792 16 59 - Fax (41-22)793 39 15

The Problem: Each year, 40,000 children are born overseas to a U.S. citizen parent. Of these, 90% acquire U.S. citizenship at birth while 10% do not. Since the right to a nationality at birth is the most fundamental human right of all, as it opens the door to membership in our society and all of other rights that derive therefrom, it is obvious that 4,000 children each year are getting short rations. They deserve better treatment.

It Wasn't Supposed to Happen Anymore: The United States inspired and helped draft several UN human rights instruments which give detailed descriptions of the basic rights that all individuals are supposed to share without discrimination of any kind. This includes the right of every child to acquire at birth a name and a nationality.[1] Why, if the United States supported these international conventions, does it not implement them?

Catch-22: Despite careful drafting, these UN instruments contain a major lacuna. There was no clear definition of which government is supposed to assume the responsibility for its citizens who live away from home. It was nowhere stated whether it should it be the country where the person came from, the country where the person was living, or perhaps both. If a citizen's home country and its overseas host country both refuse to protect this human right, there can be a legislative vacuum in which children are ignored by everyone and may find themselves stateless.

Missing Leadership by Example: The U.S. Government should have taken the initiative long ago to address and resolve this ambiguity. This would have had an impact not only on Americans overseas but on other expatriate communities who could have used the American example to show to their home governments that they too should be fulfilling the promise that at birth all children have the right to a name and nationality. If human rights have any fundamental virtue they surely should be universal and not just valid up to a country's territorial limits.

Why The Problem Arises: In general, the right to acquire citizenship at birth derives from two distinct legal traditions. The first is "jus soli", an Anglo-Saxon concept, that is used by Great Britain, the United States, and others. The second is "jus sanguinis", a fundamentally different concept, which dates at least to Roman times and is used by most of the other countries of the world. The two are not congruent and therefore do not cover all of the same individuals in every circumstance. Care must be taken to ensure that no one is left out.

Jus Sanguinis: Under "jus sanguinis" the nexus that is recognized by the law is the link between the parent and the child. A birth brings an automatic continuity of the citizenship of the parent to the child by virtue of this blood

---

[1]See Annex I for the promises to all parents and children that are contained in two basic UN Human Rights instruments.

(sanguinis) tie. The place of birth, therefore, does not create any legal problem in the continuity of citizenship. No principle, other than "jus sanguinis", needs to be invoked for human rights to be transmitted equally and ubiquitously, unless, of course, a government chooses to endow only expatriates of one sex with this "jus sanguinis" right.

Jus Soli: In "jus soli" countries the nexus recognized by the law is that between the child and the location of birth. The place of birth alone qualifies the child to automatically receive that country's citizenship, normally irrespective of the citizenship or nationality of the parents when the child is born.

Those Left Behind: Overseas citizens from countries with "jus soli" legislation can face difficulties when they reside and have children in countries with "jus sanguinis" laws. Unless the laws of their home country also offer "jus sanguinis" provisions to protect them while they are away from home, some of their children can find themselves stateless. How liberally a "jus soli" country extends "jus sanguinis" provisions to its overseas citizens will determine how much human rights deprivation, if any, they will have to suffer.

A Compromise Dating to the Fourteenth Century: The English royal family realized the inconvenience of establishing citizenship law exclusively on the basis of "jus soli" already in the fourteenth century. In November 1365, King Edward III wrote to his daughter Isabella in France promising her that all of her children male or female born abroad would be capable of inheriting lands in England and considered "as fully naturalized as though they were born in the realm".

The Wisdom of the American Founding Fathers: The founding fathers of the United States carried on this tradition of adding "jus sanguinis" provisions to the basic "jus soli" citizenship legislation. They knew that U.S. citizens were going to be living and establishing families outside of the United States. To protect the rights of such children and promote the integrity of their families the First Congress in 1790 decided that U.S. citizenship would be automatically acquired at birth by any child born abroad to a U.S. citizen father, provided only that the father had previously "had a residence" in the United States.[2] For the following 150 years, a U.S. citizen father could transmit citizenship to a child born abroad by meeting this very simple requirement. This same rule was subsequently extended to U.S. citizen mothers in 1934.[3]

A Big Step Backwards in 1940: In 1940, however, human rights for overseas Americans took a big step backwards. A strict new requirement of ten years of prior residence in the United States was imposed before an American parent married to an

---

[2]Act of March 26, 1790, 1 Stat. 103.

[3]Act of May 24, 1934, Section 1, 48 Stat. 797.

alien could transmit citizenship to children born abroad.[4] With this change, the United States actually took away a basic family-building human right that its citizens had previously enjoyed for 150 years. American children started finding themselves stateless. Congress has recently attenuated the effects of this discriminatory law but further redress is still urgently needed.[5]

This Human Right Does Not Adhere to Individuals: A peculiarity of the present law is that the right to transmit citizenship to a child at birth is not a right given to an American citizen as an individual. This human right can be lost by the wrong choice of a spouse, or employer, or even marital status. As a result, the present law gives more protection to the integrity of some American families than to others.

A Preference for Unwed Mothers: Today, it is five times easier for an unwed U.S. citizen mother to transmit U.S. citizenship to her child at birth than it is for the same mother if she had chosen to marry her alien spouse before the child was born. Whatever this human right was, she somehow lost it when she married. It is nice and proper for the U.S. government to be compassionate toward unwed mothers overseas. Why, however, should children of unwed American mothers have more human rights than the children of American mothers who are married? What is the purpose of this discrimination?

Jumping Through Hoops: The present law confronts some American parents with the delicate choice of marriage and thereby having stateless children, or avoiding marriage and thereby ensuring that a child will have U.S. nationality at birth. Or one can try to jump through hoops. One is for the U.S. citizen parent to get divorced each time a pregnancy occurs to thereby qualify to transmit citizenship to the child as an unwed parent. Then, the American can remarry after each birth to rebuild the family unit again. Another option is for the expectant mother to get on an airplane to fly to the United States before each birth to qualify under the "jus soli" rules. Is anything really useful being accomplished by such antics? It may please the fastidious who want to insist on some "nexus" tests to be a "true American". But in return we all play a high price in compromised human rights equality.

Human Rights as a Government Fringe Benefit: An overseas American who works for the U.S. Government, or for a specially designated international organizations, can count time spent abroad as if he/she were still in the United States for purposes of meeting the prior physical presence requirements for citizenship transmission abroad. So can their children living in their households overseas. Their next-door American

---

[4]The Nationality Act of 1940, Section 201, 54 Stat. 1137.

[5]The Immigration and Nationality Act Amendments of 1986 (P.L.99-653) of Nov. 14, 1986 (100 Stat. 3657) reduced the prior residence period from ten to five years for persons born on or after 14 November 1986.

citizen neighbors, who work in the private sector, are denied this same opportunity, and so are their children. Today, this most fundamental of human rights has been reduced to a federal government employee's fringe benefit.

Discouraging Exports and Human Rights Orphans: The United States needs a strong overseas community to promote American exports in today's highly competitive world markets. Americans contemplating the challenge of living and working abroad must now, unfortunately, also take into consideration that their government expects them to surrender some of their human rights when they live abroad. Some Americans, no matter how patriotic they might be, and no matter how meritorious their conduct overseas, will be caught in this trap of having children or grandchildren who will be "human rights orphans". Is this a proper way to encourage exports?

Solving This Problem: The legislative language which would do away with this problem was introduced in the 102nd Congress by former Congressman Bill Alexander.[6] The changes he proposed would grant equal human rights to all American citizen parents and thereby mobilize U.S. law to reinforce rather than threaten the sacred and intimate ties that bind all children to their parents, at home and abroad. Mr. Alexander believes that the U.S. Government should encourage more Americans to live and work overseas. One good way to do this is by giving equal support to maintaining the integrity of all American families, without any more destructive human rights discrimination against those living abroad.

Widespread Support for These Changes: Mr. Alexander is not alone. During the last two decades pledges of support for better protection of the human rights of overseas Americans and their children have come from many other Members of Congress, the White House, the State Department, the Justice Department and the Democratic National Committee.[7]

Some Additional Tidying Up: While this reform is being enacted, it would be opportune to also address a number of related citizenship and immigration difficulties faced by Americans living abroad. These are:

Redress for Past Discrimination Against Women: Prior to 1934, a U.S. citizen mother married to an alien did not have the right to transmit U.S. citizenship to a child born abroad. In the 102nd Congress, Congressman Norman Mineta introduced legislation "to provide the children of female United States citizens born abroad before May 24, 1934, and their

---

[6]H.R. 6189, a bill introduced on October 6th 1992, in the 102nd Congress, 2nd Session, by Mr. Alexander to "Amend Section 301 of the Immigration and Nationality Act."

[7]See Annex II.

descendants, with the same rights to citizenship at birth as children born of male citizens abroad."[8]

Expeditious Nationalization of Children Adopted Abroad: The immigration act should be amended to enable American parents living abroad to have their natural and adopted children, who are not U.S. citizens, naturalized during a brief trip to the United States rather than having to return as permanent residents to qualify. Legislation was introduced in the 102nd Congress for this purpose.[9]

Restoration of Citizenship to Certain Individuals: Changes to the immigration act in 1978 eliminated a provision whereby some U.S. citizens born abroad could lose their citizenship for failure to return to live in the United States for a specified period of time, but the change was not retroactive. Legislation was introduced in the 102nd Congress to make the elimination of this "condition subsequent" retroactive to when it was first established.[10]

PLEASE JOIN US IN THIS EFFORT: Please join with us and add your support to the strengthening of human rights for all American children without any more discrimination. Together let us make 1993 the last year in which an American child is ever born stateless.

* * * * *

FOR FURTHER INFORMATION: For further information, write to the American Citizens Abroad, 157 Route du Grand Lancy, 1213 Onex, Geneva, Switzerland. Fax: (41-22) 793 3915.

---

[8]H.R. 4007, a bill introduced on November 26, 1991, in the 102nd Congress, 1st Session, by Mr. Mineta (for himself, Mr. Berman, Mr. Edwards of California, Mr. Chandler, Mrs. Mink, and Mrs. Schroeder).

[9]H.R. 5599, a bill introduced in the 102nd Congress, 2nd Session, would have accomplished this objective and the objective of the following paragraph.

[10]H.R. 5599 contained language to resolve this difficulty also.

ANNEX I

TWO MAJOR UN DOCUMENTS ADDRESSING THE HUMAN RIGHTS OF CHILDREN

The Universal Declaration of Human Rights and the United Nations Convention on the Rights of the Child contain several pledges from governments that they will treat all of their citizens equally, abstain from discriminating against any minority group, promote the family as the basic element of society, and guarantee children at birth the right to a name and a nationality.

The relevant passages from the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations on 10 December 1948, include:

> "All human beings are born free and equal in dignity and rights." (Article 1)
>
> "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty". (Article 2)
>
> "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination." (Article 7)
>
> "Everyone has the right to leave any country, including his own, and to return to his country". (Article 13)
>
> "Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality". (Article 15)
>
> "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State." (Article 16).
>
> "Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of

wedlock, shall enjoy the same social protection." (Article 25)

The relevant passages from the United Nations Convention on the Rights of the Child, adopted unanimously by the General Assembly of the United Nations on 20 November 1989, include:

"States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." (Article 2)

"States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention." (Article 4)

"The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless." (Article 7)

"States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference." (Article 8)

ANNEX II

STATEMENTS OF SUPPORT FOR IMPROVED HUMAN RIGHTS FOR AMERICAN CHILDREN BORN ABROAD

1. A letter sent from the White House to Andrew Sundberg (Director of ACA) on August 19, 1977, stated: "Since 1969, the Department of State has recommended to the Congress that the physical presence requirement for transmission of citizenship under Section 301(a)(7) of the Act be reduced to one year." Signed: Landon Kite, Staff Assistant to the President.

2. A letter sent on May 4, 1978, from the Department of Justice to Congressman Peter W. Rodino, former Chairman of the House Committee on the Judiciary, concerning HR 10323, stated: "The proposed amendment would eliminate any particular period of prior physical presence and only require that the U.S. parent have had a residence in the United States prior to the child's birth. The Department has no objection to this amendment." Signed: Patricia M. Wald, Assistant Attorney General.

3. A letter sent on September 19, 1980, from the Department of State to Andrew Sundberg (Director of ACA) stated: "I understand that your primary concern is with the laws now in effect for acquisition of United States citizenship by children born abroad to U.S. citizen parents. As you know, a bill to amend these laws is pending in the Congress. The Department has supported changes in certain laws to remove impractical and inequitable barriers to acquisition of U.S. nationality by such children. I assure you that we will continue to support legislation that provides for these changes." Signed: Warren Christopher, Deputy Secretary of State.

4. A resolution adopted by the Democratic National Committee on October 7, 1987, stated: "THEREFORE BE IT RESOLVED, by the Democratic National Committee that the Democratic Party reaffirms the promise contained in the 1984 Platform for the elimination of citizenship inequities and declares that all U.S. citizen parents should enjoy the same right to transmit U.S. citizenship to all of their children at birth, no matter where such birth takes place; and, BE IT FURTHER RESOLVED, that the Democratic National Committee urges the Reagan Administration and Congress on a priority basis to amend U.S. citizenship law to enact such guarantees to all of our children and to ensure that no child born to a U.S. citizen parent should ever again be stateless at birth."

02D CONGRESS
2D SESSION

H. R. 6189

To amend section 301 of the Immigration and Nationality Act.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6 (legislative day, OCTOBER 5), 1992

Mr. ALEXANDER introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To amend section 301 of the Immigration and Nationality Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Human Rights for All American Children Act of 1992".

SEC. 2. Section 301 (8 U.S.C. 1401) is amended by inserting "natural born" after "nationals and".

SEC. 3. Subsection (a) of section 301 (8 U.S.C. 1401(a)) is amended by inserting ", or in an outlying possession thereof" after "United States".

SEC. 4. Subsection (b) of section 301 (8 U.S.C. 1401(b)) is amended by inserting ", or in an outlying possession thereof" after "United States".

SEC. 5. Subsection (f) of section 301 (8 U.S.C. 1401(f)) is amended—

(a) by inserting ", or in an outlying possession thereof" after "found in the United States"; and (b) by striking out "twenty-one" and inserting in lieu thereof "six".

SEC. 6. Subsection (g) of section 301 (8 U.S.C. 1401(g)) is amended—

(a) by striking out "one of whom is an alien, and the other" and inserting in lieu thereof "at least one of whom is"; and

(b) by striking out all after "a citizen of the United States".

SEC. 7. Section 301 (8 U.S.C. 1401) is amended by repealing subsections (c), (d), and (e), and by redesignating subsections (f) and (g) as subsections (c) and (d) respectively.

SEC. 8. Section 301 (8 U.S.C. 1401) is amended by inserting the following new subsection after new subsection (d):

"(e) This section shall apply to persons born on or after May 14, 1934, to the same extent as if it had become effective in its present form on that date."

O

BOSTON PUBLIC LIBRARY
3 9999 05983 006 5

ISBN 0-16-040930-6
90000
9 780160 409301